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ONE HUNDRED SEVENTEENTH DAY

Senate Chamber
Wednesday, August 15, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"While listening to the kind words of praise for Richardson and Emily Preyer on Monday night, I found myself, O God, wishing to be more like them. Then I remembered that when we try to like somebody else, someone with different talents and gifts, we ignore our own uniqueness. We end up sacrificing who we are for what we can never be!

"Today, we pray for the entire Senate family. Help us to see each other as you see us; to understand that each is of inestimable value to you and each is unique and irreplaceable.

"Forgive us for comparing ourselves to others. Help us to remember instead that in your presence no one is more or less important than another. Amen."

The Chair grants leaves of absence for today to Senator Horton and Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, August 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. George Klein from Greenville, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 109, AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES.

S.B. 723, AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES.

S.B. 729, AN ACT TO PROVIDE THAT RATES AND CLASSIFICATIONS FOR MOTORCYCLE THEFT AND PHYSICAL DAMAGE INSURANCE ARE TO BE ESTABLISHED BY THE CARRIERS THAT WRITE THOSE COVERAGES AND NOT BY THE NORTH CAROLINA RATE BUREAU; TO PROVIDE THAT THE RATE BUREAU RETAINS JURISDICTION OVER RATES AND CLASSIFICATIONS FOR MOTORCYCLE LIABILITY INSURANCE; AND TO PROVIDE THAT MOTORCYCLE LIABILITY INSURANCE IS STILL CEDABLE TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY.

S.B. 951, AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION, AND TO ELIMINATE THE UNNECESSARY FILING OF COVER SHEETS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 834, AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION. (Became law upon ratification, August 13, 2001–S.L. 2001-365.)

S.B. 255, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND. (Became law upon ratification, August 14, 2001–S.L. 2001-366.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 14 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; AND TO MAKE CONFORMING CHANGES.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, August 16.

S.B. 885 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS AND TO EXTEND THE TIME DURING WHICH COUNTIES MAY DISPOSE OF DWELLINGS AT PRIVATE SALE THAT WERE PURCHASED UNDER THE HAZARD MITIGATION GRANT PROGRAM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, August 16.

H.B. 1431 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT DOUBLE TAXATION OF MOTOR VEHICLES WHOSE TAX YEAR CHANGES DUE TO A CHANGE IN REGISTRATION.

Referred to **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 1463, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF August 15, 2001

JOSEPH WAYNE GRIMSLEY, DEDICATED PUBLIC SERVANT AND FORMER PRESIDENT OF RICHMOND COMMUNITY COLLEGE.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Purcell, the joint resolution is read in its entirety and, upon motion of Senator Dalton, the remarks of the members are spread upon the Journal, as follows:

Senator Purcell:

"Thank you, Madame President, ladies and gentlemen of the Senate. It's a special honor for me to honor the life and memory of a great North Carolinian and a great individual, Joe Grimsley. The resolution covers fairly well the many statewide contributions that were made by this man. I had the opportunity to really get to know him over the sixteen years that he served as President of Richmond Community College. Joe Grimsley was a man full of ideas and what visions he had! This Fulbright Scholar could do it all; his visions and ideas have had a positive impact throughout North Carolina. He took care of details and just had an uncanny ability to take care of details to the nth degree and best of all, he knew how to work with people and how to get things done and he always did with that little chuckle and smile that he so masterfully used to bring even the most skeptic on board. Joe Grimsley understood as well as anyone the importance of industrial development and he knew that a trained workforce was necessary if we were going to succeed. He played a major role in new and expanded industrial development and training in Richmond and Scotland Counties for many years. I shall never forget that little chuckle and smile nor his friendship and his many contributions to the people of North Carolina and more recently, to Richmond and Scotland Counties. A man with visions, a man with integrity, a man with an uncanny ability to work with people on all levels of our society. That's Joe Grimsley. Yes, Joe Grimsley was truly a great individual and a great North Carolinian and I ask you to join me in supporting this resolution."

Senator Plyler:

"Madame Chairman and members of the Senate, I have known Joe Grimsley since the very early seventies when he was manager of Jim Hunt's Lieutenant Governor campaign, and Joe was working then. I knew him all through the seventies and the eighties and the nineties and he worked all the time at something that would benefit the people of North Carolina, the people of Richmond County, and other people across the nation with the programs that he had the vision to put in place. I remember one of the times he called me one night about, I guess it was about ten o'clock and I normally go to bed pretty early, he said, 'I want you to go to breakfast in the morning in Cherryville and I want to tell you what to say.' I said, 'That's fine.' I was representing Jim Hunt at that time. He talked to me 'til nearly twelve o'clock and you think I remembered what all he said the next morning? I didn't but with Dr. Gamble and various people up in Cherryville, we had a good meeting, Senator Hoyle, and that has been many years ago. But, wherever you would see Joe, he was thinking, he was working, he was doing things that he thought were best and I remember when the Learning Center was dedicated there, he had Bob Jordan and myself there and he certainly was very, very complimentary of the work that had been done on helping fund the Learning Center and the various new buildings there on the campus at Richmond Community College. If you would see Joe at the race, he and Marcia, on Sunday at the Rockingham race, he was always smiling and as Senator Purcell said with that little chuckle, but once he got that little chuckle out you'd better watch out because he was going to talk to you about something that was good for the Community College of Richmond County. Of course when he was President of the Chamber down there he worked all the time for industrial development as Senator Purcell has mentioned. But I

won't ever forget Joe because he could tell you how good you are and after you thought it over a little bit he'd tell you what he really and truly meant. He always tried to work with what he thought would make him and whoever he was talking to accomplish the best things that could be for the area. We certainly will miss Joe and to Marcia and his family and to the many here that are here for the resolution today, I want to say that he was my true friend. We worked together over many, many years and we certainly miss him, but I would urge your support for the resolution."

Senator Foxx:

"Ladies and gentlemen, I knew Joe Grimsley as the President of a community college and I know there were times in Joe's life when he was extremely partisan and those comments have been made, but I had tremendous respect for Joe Grimsley as President of the Community College. When he was appointed to that job I had never met him. I heard about it and I thought, 'Oh, another political appointee.' But I will tell you that he earned the respect, I think, of every Community College President in the State for the great work he did at Richmond Community College. He and I got to be good friends through that work and I respected him tremendously for what he did. As Senator Purcell and Senator Plyler said, he had a great chuckle. I never saw Joe when he was not very happy and very up about what he was doing, and he was a tremendous asset to the Community College System. I think it was great, and I think it is great to bring in people who have not grown up in the system but who have different perspectives on how to do things. Joe was a wonderful manager. I'll never forget seeing him not too long after he had been at the community college because I had been named President at Mayland and he said well, I've already finished my first five-year plan, and he'd only been there three years so he, as they have said already, he was a man of vision and a man of action, and he was really dedicated to having the best community college programs he could possibly have and working hard for the region that he was serving, and I think that it's a tremendous loss to the State to have lost Joe at such a young age, and I think we all will miss him. When all is said and done we ask for whom the bell tolls. It tolls for us. We're all affected by Joe's loss."

Senator Lee:

"Thank you Madame President, members of the Senate. I met Joe Grimsley in 1972 while working in the campaign for Skipper Bowles for Governor and he in the campaign for Jim Hunt for Lieutenant Governor. I didn't realize at that time that later on I would have the privilege of serving with him in Hunt I as a member of the cabinet. During my time, those of us who've had the privilege of working with Joe came to appreciate him first as a very, very focused individual, second as a manager who was very organized and pushed those of us in the cabinet to follow that example, and third, a person who had a great vision and who could represent very clearly what the Hunt administration should be about as Governor. On many occasions we would run our ideas by Joe before we even took them to the Governor because most of us came to appreciate that Joe could reflect very clearly what the Governor's thoughts would be about getting those ideas. When I think of the people who made up that cabinet, I consider Joe Grimsley to have been one of the brightest if not the brightest. I watched him very closely as he grew as President of the Community College and I did not have as close an association with him through the years as I had previous to that, but I still considered Joe one of the best friends that I have developed in the State and a person for whom I have the deepest respect. I shall remember him as one who has made tremendous contributions to North Carolina, many of which will not become apparent for years to come, but when we enjoy many of the privileges and when those who follow in future generations walk along these roads in our State, in some small way they will be touched, their lives will be changed by the work of Joe Grimsley. I'm delighted to stand in support of this resolution and to remember my friend, Joe Grimsley."

Senator Rand:

"Thank you, Madame President, ladies and gentlemen of the Senate. I became aware of Joe Grimsley when we were at Chapel Hill together. We were classmates and he was involved in most every aspect of what went on at Chapel Hill and most of them were aspects that I was not particularly involved in. I may have had a better time than he did but he was far more productive than I was, and we all knew Joe and we all admired the way he went about his business and the commitment he had to making things better. He then became a Fulbright Scholar and of course we were involved in most of the same political campaigns all our lives. He was truly a happy warrior, I think, in politics and meant so much to so many people as North Carolina went down the road to becoming a model for the South, I think. He contributed a great deal to it. And then his involvement in community colleges, those of us in the southeast, he bumped up against us and I would see him regularly at those events when we were talking about education, when we were talking about employment for people, talking about trying to make our part of the State a better place. He was a moving force for all of us down there. He was truly a wonderful fellow that meant so much to everybody. He was a great friend and a great fellow to have on your side. Thank you."

Senator Albertson:

"Thank you, Madame President, members of the Senate. I guess I got to know Joe Grimsley, must have been 20 or 25 years ago - don't know where the years have gone to, but I first met him when I was serving on the Community College Board of Trustees down in Kenansville and more recently Senator Plyler and maybe some others in here, I don't remember, we had to work with Joe on a Community College Study Commission. I'm sure you remember that, Senator Plyler. But what I have always noticed about Joe, he was not one of these people who ran around talking all the time like some of us are inclined to do some of the time. Joe was a steady, consistent worker. He was faithful to his duties, his devotion to serving the people of this State, and he did it in a very magnificent way. I have nothing but good memories about Joe and I'm pleased to know that I could be associated with him in this small way. He was a great North Carolinian and I commend this resolution to you."

Senator Basnight:

"Thank you Madame President, members of the Senate, Joe's family and friends. I knew Joe as a very determined man who had a willingness to challenge you on the subject if he disagreed. He was very straightforward, very honest, very candid. He made no attempt to belittle or degrade your position, but he wanted you to fully understand that his position meant more to him than mine should to me. I enjoyed those challenges and those times together. When he became President of the Community College in Richmond County, I had a chance to go over with Senator Plyler and then Senator Conder at the time and spend time with Joe and listened to the vision of what was in the best interest of people that lived in and around that community and how he so deeply loved and admired people regardless of their station in life. It meant a great deal to him to see success in others. Joe could have easily succeeded in any field that he may have prescribed himself to, but he elected to serve people. His interests were the interests of whatever was in the best needs of the people of the State. I greatly respected him and I miss him a great deal. I commend this resolution to the members of the Senate."

The joint resolution passes its second reading (48-0) and third reading with members standing and is ordered enrolled.

The President extends the courtesies of the gallery to Martha Coates Grimsley, wife

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of Joseph Wayne Grimsley; Joseph Wayne Grimsley, Jr., his son; Julie Ann Grimsley Perry and Mary Christina Grimsley Waller, his daughters; Dorothy Harrell and Christine Hayes, sisters; Jimmy Grimsley, brother; James Hayes, brother-in-law; Lacy Coates, father-in-law; Edwin and Goldie Coates, aunt and uncle; and members of the President's Association of the North Carolina Community College System.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 861 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF QUALIFIED DENTAL PRACTITIONERS IN THE STATE BY AUTHORIZING THE BOARD OF DENTAL EXAMINERS TO LICENSE BY CREDENTIALS PERSONS WHO ARE LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE IN OTHER STATES AND WHO OTHERWISE MEET STATE REQUIREMENTS FOR LICENSE BY CREDENTIALS, TO LICENSE BY EXAMINATION PERSONS WHO HAVE PRACTICED AS DENTAL HYGIENISTS IN THE UNITED STATES MILITARY AND WHO OTHERWISE MEET STATE REQUIREMENTS FOR LICENSURE BY EXAMINATION, TO ISSUE A LIMITED VOLUNTEER DENTAL LICENSE, TO ISSUE AN INSTRUCTOR'S LICENSE, AND TO IMPOSE APPLICATION AND RENEWAL FEES FOR LICENSURE AUTHORIZED UNDER THIS ACT, AND BY AUTHORIZING STUDIES PERTAINING TO CLASS ENROLLMENT AT THE UNC SCHOOL OF DENTISTRY AND TO THE FEASIBILITY OF ESTABLISHING AN ADDITIONAL DENTAL SCHOOL.

With unanimous consent, upon motion of Senator Purcell, the Senate Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, August 21.

H.B. 41 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

With unanimous consent, upon motion of Senator Soles, the Senate Committee Substitute is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

S.B. 206 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

August 15, 2001

S.B. 842 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1257 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE TO THE DIVISION OF FOREST RESOURCES THE RESPONSIBILITY TO DETERMINE THE PRESENCE OF SURFACE WATERS THAT MAY BE AFFECTED BY SILVICULTURE ACTIVITIES FOR PURPOSES OF THE RIPARIAN BUFFER PROTECTION PROGRAM, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3900, which changes the title to read **H.B. 1257** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SURFACE WATER IDENTIFICATION TRAINING AND CERTIFICATION PROGRAM AS A COMPONENT OF THE RIPARIAN BUFFER PROTECTION PROGRAM, is adopted and engrossed.

WITHDRAWAL FROM CALENDAR

S.B. 885 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS AND TO EXTEND THE TIME DURING WHICH COUNTIES MAY DISPOSE OF DWELLINGS AT PRIVATE SALE THAT WERE PURCHASED UNDER THE HAZARD MITIGATION GRANT PROGRAM, placed earlier on the Calendar for tomorrow, Thursday, August 16.

Senator Clodfelter offers a motion that the House Committee Substitute bill be withdrawn from the Calendar for tomorrow, Thursday, August 16, and placed on the Calendar for Monday, August 20, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the Calendar for tomorrow, Thursday, August 16, and places it on the Calendar for Monday, August 20.

CALENDAR (*continued*)

S.B. 759 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY.

With unanimous consent, upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

S.B. 1002 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (2-46).

Senator Gulley offers a motion that the Senate appoint conferees, which motion prevails.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Gulley, Chairman, and Senator Clodfelter and Senator Horton as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CONFERENCE REPORT

Senator Purcell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1068 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on H.B. 1068, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM, Senate Health Care Committee Substitute Adopted 6/21/01, submit the following report:

The House concurs in the Senate Committee Substitute, and the House and Senate agree to the following amendments:

On page 2, line 26, by deleting the phrase "convene an Adult Care Home Quality of Standards Work Group to"; and

On page 2, line 28, by deleting the phrase "Work Group" and substituting "Department"; and

On page 3, lines 9-20, by deleting the lines.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: August 15, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ William R. Purcell, Chair

S/ Edd Nye, Chair

S/ Charles N. Carter, Jr.

S/ Zeno L. Edwards, Jr.

S/ Charlie S. Dannelly

S/ Wilma M. Sherrill

S/ John A. Garwood

The Conference Report is placed on the Calendar for tomorrow, Thursday, August 16, for adoption.

WITHDRAWALS FROM COMMITTEE

H.B. 1272 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES, re-referred to the **Rules and Operations of the Senate Committee** on May 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, August 21, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, August 21.

H.B. 382, A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, August 21, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, August 21.

Upon motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns at 3:47 P.M. to meet tomorrow, Thursday, August 16, at 10:00 A.M.

ONE HUNDRED EIGHTEENTH DAY

Senate Chamber
Thursday, August 16, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Kendell Cameron, Jr., Pastor, Benson Baptist Church, Benson, North Carolina, as follows:

"Eternal God, though we cannot see your glory with the limitations of our human eyes or touch you with the limitations of our human hands, we ask you to grant us this day a clear conviction of your glory and your power as we face the issues of the day. So often we begin to believe that the entire world consists of only those things that we can see and touch and, without even our awareness, we myopically begin to constrict the world to only those items before us. Sometimes we cannot see the forest for the trees before us. Forgive us, O Lord, of our myopia, and grant us a new vision, a vision based on how you see the world, of your reality that calls for peace, your joy and your love to reign forever. Let your wisdom be the guide in this worthy chamber, and let your peace reign evermore. For you, O God, are our God forever, and you will be our guide even to the end. Praise be unto you from everlasting to everlasting. Amen."

The Chair grants leaves of absence for today to Senator Berger, Senator Carrington, Senator Clodfelter, Senator Garwood, Senator Gulley, Senator Harris, Senator Martin of Pitt and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, August 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 206, AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.

S.B. 842, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS.

H.B. 1301, AN ACT TO CLARIFY THE CIRCUMSTANCES IN WHICH LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN THE OFFICE OF THE REGISTER OF DEEDS ARE REQUIRED IN CONNECTION WITH THE CLEANUP OF A RELEASE FROM A PETROLEUM UNDERGROUND STORAGE TANK IN ORDER TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH, TO ENSURE ENFORCEABILITY OF RESTRICTIONS, AND TO PROVIDE NOTICE TO SUBSEQUENT OWNERS OF THE PROPERTY; AND TO MAKE CONFORMING CHANGES TO RELATED STATUTES.

And the following bill and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 402, AN ACT TO REGULATE ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL EXISTING BERTIE COUNTY LOCAL ACTS INCONSISTENT WITH THESE LAWS.

H.J.R. 1463, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH WAYNE GRIMSLEY, DEDICATED PUBLIC SERVANT AND FORMER PRESIDENT OF RICHMOND COMMUNITY COLLEGE. (Res. 29.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 1066 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, August 20.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
August 15, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute to SB 1002, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, and request conferees,

The Speaker appoints:

Representative Alexander, Chair;
Representative Nesbitt, and
Representative Justus

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

August 16, 2001

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SURFACE WATER IDENTIFICATION TRAINING AND CERTIFICATION PROGRAM AS A COMPONENT OF THE RIPARIAN BUFFER PROTECTION PROGRAM.

The Senate Committee Substitute passes its second reading (37-5).

Senator Wellons objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, August 20.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kinnaird for the **Children & Human Resources Committee**:

H.B. 381 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6759 is adopted and engrossed.

With unanimous consent, upon motion of Senator Kinnaird, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, August 21.

CALENDAR *(continued)*

S.B. 14 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; AND TO MAKE CONFORMING CHANGES.

With unanimous consent, upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, August 20.

The Chair grants a leave of absence for the remainder of today's session to Senator Plyler.

H.B. 1068 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM, Conference Report for adoption.

Upon motion of Senator Purcell, the Conference Report is adopted (41-0). A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
August 16, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House had adopted the report of the Conferees on H.B. 1068, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 10:41 A.M., in honor of Cecil Goins' birthday, to meet Monday, August 20, at 7:00 P.M.

ONE HUNDRED NINETEENTH DAY

Senate Chamber
Monday, August 20, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore* who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, while the Senate chamber is not intended to be a church, there are some similarities. Tonight in the Senate we can empathize with the message posted on a church door that stated, 'The Peacemaking Committee scheduled for today has been cancelled due to a conflict.'

"In holy scripture peace is defined by the word Shalom, which means fullness, everything we need to feel whole even when confronted by conflict.

"Help us to remember that peace is not the absence of struggle but the presence of your love lived throughout us in the middle of those struggles. Amen."

The Chair grants leaves of absence for tonight to Senator Garrou, Senator Hartsell, Senator Hoyle, Senator Jordan, Senator Kerr, Senator Kinnaird and Senator Martin of Pitt.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of
August 20, 2001

Thursday, August 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 1068, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM.

H.B. 1073, AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS, TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AND TO ALLOW THE SECRETARY OF STATE TO REINSTATE BUSINESS ENTITIES ADMINISTRATIVELY DISSOLVED BY THE SECRETARY.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 698, AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 402, AN ACT TO REGULATE ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL EXISTING BERTIE COUNTY LOCAL ACTS INCONSISTENT WITH THESE LAWS. (Became law upon ratification, August 16, 2001–S.L. 2001-367.)

S.B. 531, AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT. (Became law upon approval of the Governor, August 16, 2001–S.L. 2001-368.)

H.B. 942, AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT. (Became law upon approval of the Governor, August 16, 2001–S.L. 2001-369.)

S.B. 1062, AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES. (Became law upon approval of the Governor, August 17, 2001–S.L. 2001-370.)

August 20, 2001

S.B. 195, AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST. (Became law upon approval of the Governor, August 17, 2001–S.L. 2001-371.)

S.B. 633, AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS. (Became law upon approval of the Governor, August 17, 2001–S.L. 2001-372.)

S.B. 936, AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING. (Became law upon approval of the Governor, August 17, 2001–S.L. 2001-373.)

S.B. 16, AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS. (Became law upon approval of the Governor, August 17, 2001–S.L. 2001-374.)

S.B. 446, AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS AND TO INCLUDE PHARMACY TECHNICIANS IN BOARD AGREEMENTS WITH SPECIAL PEER REVIEW ORGANIZATIONS. (Became law upon approval of the Governor, August 17, 2001–S.L. 2001-375.)

S.B. 778, AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS. (Became law upon approval of the Governor, August 17, 2001–S.L. 2001-376.)

S.B. 780, AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS. (Became law upon approval of the Governor, August 17, 2001–S.L. 2001-377.)

S.B. 137, AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW. (Became law upon approval of the Governor, August 18, 2001–S.L. 2001-378.)

H.B. 439, AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION. (Became law upon approval of the Governor, August 18, 2001–S.L. 2001-379.)

S.B. 353, AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE

COLLECTION OF TAX DEBTS. (Became law upon approval of the Governor, August 20, 2001–S.L. 2001-380.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 587 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN DURHAM COUNTY, for concurrence in the House Committee Substitute bill .

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, August 21.

S.B. 904 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, August 21.

H.B. 522 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A REGIONAL TRANSPORTATION AUTHORITY FOR CUMBERLAND COUNTY, THE CITY OF FAYETTEVILLE, THE TOWN OF HOPE MILLS, THE TOWN OF STEDMAN, AND THE TOWN OF SPRING LAKE, TO AUTHORIZE THE CREATION OF COUNTY ECONOMIC DEVELOPMENT AUTHORITIES, AND TO INCREASE THE ANNUAL PER DIEM FOR WATER AND SEWER AUTHORITY MEMBERS.

Referred to **State and Local Government Committee** .

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 1066 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS.

With unanimous consent, upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, August 21, upon second reading.

WITHDRAWAL FROM COMMITTEE

H.B. 719 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS, referred to the **State and Local Government Committee** on April 11.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **State and Local Government Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR *(continued)*

H.B. 1257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SURFACE WATER IDENTIFICATION TRAINING AND CERTIFICATION PROGRAM AS A COMPONENT OF THE RIPARIAN BUFFER PROTECTION PROGRAM.

The Senate Committee Substitute passes its third reading (38-5) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 14 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; AND TO MAKE CONFORMING CHANGES.

With unanimous consent, upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, August 21.

S.B. 885 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS AND TO EXTEND THE TIME DURING WHICH COUNTIES MAY DISPOSE OF DWELLINGS AT PRIVATE SALE THAT WERE PURCHASED UNDER THE HAZARD MITIGATION GRANT PROGRAM, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor.

WITHDRAWALS FROM COMMITTEES

H.B. 1100, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF COUNTERFEITING NEGOTIABLE INSTRUMENTS, referred to the **Judiciary I Committee** on April 25.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Finance Committee**.

S.B. 862, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FROM THE PROVISIONS OF THE CHECK CASHIER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS AND TO AMEND THOSE PROVISIONS TO PROVIDE ADDITIONAL CONSUMER PROTECTIONS AND REQUIREMENTS ON LICENSEES, referred to the **Commerce Committee** on April 4.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Finance Committee**.

Upon motion of Senator Harris, the Chair extends the courtesies of the gallery to Mrs.

August 20, 2001

Linda Turlington, former principal of Harnett Primary School in Dunn, North Carolina, a 2000-2001 Blue Ribbon School.

Upon motion of Senator Ballance, seconded by Senator Carter, the Senate adjourns at 7:28 P.M. to meet tomorrow, Tuesday, August 21, at 3:00 P.M.

ONE HUNDRED TWENTIETH DAY

Senate Chamber
Tuesday, August 21, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, how often we hear our conversations punctuated with terms like, 'I want to be perfectly honest' or 'This is the honest truth.' What does that mean? That we've been imperfectly honest or just plain dishonest up to that point in the conversation?"

"I'm afraid we've gotten used to living like Huck Finn. 'There are things which we stretch, but mainly we tell the truth.' Forgive us our situation ethics.

"Help us to present ourselves to you as people who need no disclaimers in our conversations but always and rightly explain the word of truth. As Twain later wrote about telling the truth, 'It will please some and astonish the rest.' Help us to so live. Amen."

The Chair grants leaves of absence for today to Senator Garrou and Senator Martin of Pitt.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, August 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 382. A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA.

With unanimous consent, upon motion of Senator Odom, the bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 381 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

With unanimous consent, upon motion of Senator Metcalf, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, August 23.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 885, AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS AND TO EXTEND THE TIME DURING WHICH COUNTIES MAY DISPOSE OF DWELLINGS AT PRIVATE SALE THAT WERE PURCHASED UNDER THE HAZARD MITIGATION GRANT PROGRAM.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 698, AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, August 20, 2001—S.L. 2001-381.)

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 904, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR MISDEMEANOR CHILD ABUSE TO A CLASS A1 MISDEMEANOR SO THAT IT IS THE SAME AS THE PENALTY FOR ASSAULT ON AN ADULT, with a favorable report.

H.B. 972, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES, with a favorable report.

CALENDAR *(continued)*

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION.

With unanimous consent, upon motion of Senator Ballance, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, August 23, upon third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 1057 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING THE ASSESSMENT OF COURT COSTS AS RELATED TO PROTECTIVE ORDERS IN DOMESTIC VIOLENCE CASES AND AMENDING THE LAWS RELATING TO DOMESTIC VIOLENCE AND MAKING AN APPROPRIATION, re-referred to the **Appropriations/Base Budget Committee** on April 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the reports accompanying it, and takes its place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

H.B. 1070 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, with a favorable report.

Upon motion of Senator Hagan, the Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 587 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN DURHAM COUNTY, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-3) and the measure is ordered enrolled.

S.B. 861 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF QUALIFIED DENTAL PRACTITIONERS IN THE STATE BY AUTHORIZING THE BOARD OF DENTAL EXAMINERS TO LICENSE BY CREDENTIALS PERSONS WHO ARE LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE IN OTHER STATES AND WHO OTHERWISE MEET STATE REQUIREMENTS FOR LICENSE BY CREDENTIALS, TO LICENSE BY EXAMINATION PERSONS WHO HAVE PRACTICED AS DENTAL HYGIENISTS IN THE UNITED STATES MILITARY AND WHO OTHERWISE MEET STATE REQUIREMENTS FOR LICENSURE BY EXAMINATION, TO ISSUE A LIMITED VOLUNTEER DENTAL LICENSE, TO ISSUE AN INSTRUCTOR'S LICENSE, AND TO IMPOSE APPLICATION AND RENEWAL FEES FOR LICENSURE AUTHORIZED UNDER THIS ACT, AND BY AUTHORIZING STUDIES PERTAINING TO CLASS ENROLLMENT AT THE UNC SCHOOL OF DENTISTRY AND TO THE FEASIBILITY OF ESTABLISHING AN ADDITIONAL DENTAL SCHOOL.

Senator Purcell offers Amendment No. 1 which is adopted (44-4).

The Senate Committee Substitute bill No. 2, as amended, passes its second (44-4) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 1272 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

Senator Lee offers Amendment No. 1 which is adopted (46-1).

The Senate Committee Substitute bill, as amended, passes its second (47-1) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 904 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Fox, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, August 22, for concurrence, upon third reading.

S.B. 1066 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, for concurrence in the House Committee Substitute bill, upon second reading.

The President rules that the House Committee Substitute bill does not require a call of the roll upon concurrence.

The Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 14 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; AND TO MAKE CONFORMING CHANGES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-2) and the measure is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

August 21, 2001

House of Representatives

August 21, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 685, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, and requests conferees.

The Speaker appoints:

Representative Gibson, Chair;
Representative Jarrell,
Representative McComas,
Representative Alexander, and
Representative Buchanan

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, with a favorable report.

H.B. 226, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO ACQUIRE REAL PROPERTY AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

H.B. 719 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 1226, which changes the title to read **H.B. 719** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF MAYODAN FROM CERTAIN
August 21, 2001

STATUTORY REQUIREMENTS CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF SOME OR ALL OF CERTAIN DESCRIBED PROPERTY, is adopted and engrossed.

Upon motion of Senator Ballance, seconded by Senator Reeves, the Senate adjourns at 3:39 P.M. to meet tomorrow, Wednesday, August 22, at 3:00 P.M.

ONE HUNDRED TWENTY-FIRST DAY

Senate Chamber
Wednesday, August 22, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we live in such a high price world. Save us from the distraction of trying to impress others and from the danger of having done so. Help us to enjoy praise for work well done, and then pass on the credit to you. Teach us to learn from criticism and give us the wisdom not to put ourselves at the center of the universe. In your holy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Garrou, Senator Hagan, Senator Martin of Pitt and Senator Metcalf.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, August 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President extends privileges of the floor to Bill Gulley, Senator Gulley's father.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 14, AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; AND TO MAKE CONFORMING CHANGES.

S.B. 1066, AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS.

H.B. 844, AN ACT TO PROVIDE BALANCE IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT ELEVEN.

H.B. 1188, AN ACT TO ALLOW PROTECTION OF VOTER RECORDS IN CASE OF DOMESTIC ABUSE PROTECTIVE ORDERS.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 587, AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN DURHAM COUNTY.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE.

With unanimous consent, upon motion of Senator Soles, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 29, upon second reading.

H.B. 904, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR MISDEMEANOR CHILD ABUSE TO A CLASS A1 MISDEMEANOR SO THAT IT IS THE SAME AS THE PENALTY FOR ASSAULT ON AN ADULT.

With unanimous consent, upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, August 28.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 970, A BILL TO BE ENTITLED AN ACT RELATING TO THE GRAPE GROWERS COUNCIL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6760, which changes the title to read **S.B. 970** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL, is adopted and engrossed.

By Senator Kinnaird for the **Children & Human Resources Committee**:

H.B. 435, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR MOREHEAD SCHOOL TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE SCHOOL, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 8668, which changes the title to read **H.B. 435** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE GOVERNOR MOREHEAD SCHOOL, is adopted and engrossed.

CALENDAR (*continued*)

H.B. 719 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF MAYODAN FROM CERTAIN STATUTORY REQUIREMENTS CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF SOME OR ALL OF CERTAIN DESCRIBED PROPERTY, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaid, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, August 23, upon third reading.

H.B. 226, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO ACQUIRE REAL PROPERTY AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE, as amended by the Finance Committee.

The bill, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 972, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 904 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaid, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 715 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG COUNTY AND TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 7679, which changes the title to read **H.B. 715** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG COUNTY, TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION, AND TO MODIFY THE MEMBERSHIP OF THE CHARLOTTE COLISEUM AUTHORITY, is adopted and engrossed.

H.B. 882 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF DUCK, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 4635, which changes the title to read is **H.B. 882** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF DUCK, AND TO MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE LOCAL OCCUPANCY TAX AND LOCAL LAND TRANSFER TAX, is adopted and engrossed.

Upon motion of Senator Basnight, seconded by Senator Gulley, the Senate adjourns at 3:25 P.M. in honor of Senator Gulley's father who is visiting from Arkansas, to meet tomorrow, Thursday, August 23, at 10:00 A.M.

ONE HUNDRED TWENTY-SECOND DAY

Senate Chamber
Thursday, August 23, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, our children begin each day with such a joy for the adventure ahead of them. They have the capacity to forget yesterday's hurt and crises like being detained in class for five minutes while everyone else is at recess because they talked when they should have been listening. They have forgotten the unkind word spoken about them by a few whispering classmates. Their enthusiasm for the adventure of today is all consuming.

"After these long months in the Senate, may this body find that same kind of enthusiasm and resiliency and sense of adventure. Then we can say at each sunrise, 'This is the day the Lord hath made. Let us rejoice and be glad in it.' Amen."

The Chair grants leaves of absence for today to Senator Cunningham, Senator Garrou, August 23, 2001

Senator Gulley, Senator Martin of Pitt, Senator Warren and Senator Weinstein.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, August 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

WITHDRAWAL FROM COMMITTEE

S.B. 61, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on February 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 381 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

With unanimous consent, upon motion of Senator Metcalf, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, August 28.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 904, AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS.

H.B. 972, AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 587, AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN DURHAM COUNTY. (Became law upon ratification, August 22, 2001 -- S.L. 2001-382.)

CALENDAR (*continued*)

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Wellons—42.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 719 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF MAYODAN FROM CERTAIN STATUTORY REQUIREMENTS CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF SOME OR ALL OF CERTAIN DESCRIBED PROPERTY, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Wellons—42.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 10:15 A.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 10:35 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

The Senate recesses at 11:13 A.M. to reconvene at 11:30 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Hagan.

CALENDAR (*continued*)

H.B. 882 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF DUCK, AND TO MODIFY THE FORMULA
August 23, 2001

FOR DISTRIBUTING THE PROCEEDS OF THE LOCAL OCCUPANCY TAX AND LOCAL LAND TRANSFER TAX, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dannelly, Forrester, Foxx, Garwood, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas and Wellons—40.

Voting in the negative: None.

The Senate Committee Substitute bill is placed on the Calendar for Monday, August 27, upon third reading.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations/Base Budget Committee**:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7681, which changes the title to read **S.B. 61** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, FOR KINDERGARTEN CLASS SIZE REDUCTION, AND FOR THE "MORE AT FOUR" PILOT PROGRAM; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX, is adopted and engrossed.

With unanimous consent, upon motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Garwood offers Amendment No. 1.

Senator Lee offers a motion that Amendment No. 1 do lie upon the table, seconded by Senator Odom.

Senator Horton calls for the ayes and noes on the motion to table Amendment No. 1.

The motion prevails (25-18), as follows:

Voting in the affirmative: Senators Ballance, Basnight, Carter, Dalton, Dannelly, Harris, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas and Wellons—25.

Voting in the negative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Clodfelter, Forrester, Foxx, Garwood, Hartsell, Horton, Hoyle, Moore, Rucho, Shaw of Guilford and Webster—18.

Amendment No. 1 lies upon the table.

The Chair grants a leave of absence for the remainder of today's session to Senator Harris.

Senator Shaw of Guilford announces a pair vote. If Senator Harris were present, he would vote "aye"; Senator Shaw of Guilford votes "no".

Senator Bingham announces a pair vote. If Senator Hagan were present, she would vote "aye"; Senator Bingham votes "no".

Senator Odom calls the previous question on second and third readings of the Committee Substitute bill, seconded by Senator Lee.

Senator Horton calls for the ayes and noes on the call of the previous question.

The call of the previous question prevails (27-15) as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Clodfelter, Dalton, Dannelly, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas and Wellons—27.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Moore, Rucho, Shaw of Guilford and Webster—15.

The Committee Substitute bill passes its second reading (27-13) and third reading (27-13) and is ordered sent to the House of Representatives by special message.

CALENDAR *(continued)*

H.B. 715 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG COUNTY, TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION, AND TO MODIFY THE MEMBERSHIP OF THE CHARLOTTE COLISEUM AUTHORITY.

The Senate Committee Substitute bill No. 2 passes its second (41-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 970 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

H.B. 435 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE GOVERNOR MOREHEAD SCHOOL.

The Senate Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; TO INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; TO ACCELERATE PAYMENT OF WITHHOLDING TAXES; TO ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AND TO MAKE THE BOXING COMMISSION INDEPENDENT OF GENERAL FUND SUPPORT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8675, which changes the title to read **H.B. 232** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; TO INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; TO ACCELERATE PAYMENT OF WITHHOLDING TAXES; TO ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; TO AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; TO PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; TO EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; TO MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AND TO ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS, is adopted and engrossed.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 685 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX.

Pursuant to the message from the House of Representatives received Tuesday, August 21, that the House fails to concur in the Senate Committee Substitute for HB 685 and requests conferees, Senator Hoyle offers a motion that the Senate appoint conferees, which motion prevails.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Hoyle, Chairman; and Senator Dalton; Senator Foxx; and Senator Wellons as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 1:08 P.M. to meet Monday, August 27, at 7:00 P.M.

ONE HUNDRED TWENTY-THIRD DAY

Senate Chamber
Monday, August 27, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain.

Senator Ballantine announces that the Journal of Thursday, August 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

WITHDRAWAL FROM COMMITTEE

S.B. 348, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND, referred to the **Rules and Operations of the Senate Committee** on March 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

Upon motion of Senator Miller, seconded by Senator Wellons, the Senate adjourns at 7:09 P.M. to meet tomorrow, Tuesday, August 28, at 3:00 P.M.

ONE HUNDRED TWENTY-FOURTH DAY

Senate Chamber
Tuesday, August 28, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

August 28, 2001

"Almighty God, last night I came to this place with a prayer on my heart and in my mind that asked for renewed energy to be given the Senate family for the days still ahead. I did not anticipate the kind of energy that was supplied by the rush of adrenaline when a bomb threat occurred. Any experience of fear that later turns to resentment for such an insidious act is actually energy depleting. So today, I renew my prayer that you replenish the Senators' minds, their bodies, their souls with the lasting strength that can come only from the fresh wind of your spirit. Then as scripture says, 'They shall mount up with wings as eagles, they shall run and not be weary, they shall walk and not faint.' In gratitude for your promise to do so we pray, Amen."

The Chair grants leaves of absence for today to Senator Carpenter, Senator Harris, Senator Martin of Pitt, Senator Rucho and Senator Thomas.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, August 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Mary Linhardt from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 206, AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM. (Became law upon approval of the Governor, August 26, 2001–S.L. 2001-383.)

H.B. 1301, AN ACT TO CLARIFY THE CIRCUMSTANCES IN WHICH LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN THE OFFICE OF THE REGISTER OF DEEDS ARE REQUIRED IN CONNECTION WITH THE CLEANUP OF A RELEASE FROM A PETROLEUM UNDERGROUND STORAGE TANK IN ORDER TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH, TO ENSURE ENFORCEABILITY OF RESTRICTIONS, AND TO PROVIDE NOTICE TO SUBSEQUENT OWNERS OF THE PROPERTY; AND TO MAKE CONFORMING CHANGES TO RELATED STATUTES. (Became law upon approval of the Governor, August 26, 2001–S.L. 2001-384.)

H.B. 1068, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM. (Became law upon approval of the Governor, August 26, 2001–S.L. 2001-385.)

S.B. 885, AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS AND TO EXTEND THE TIME DURING WHICH COUNTIES MAY DISPOSE OF DWELLINGS AT PRIVATE SALE THAT WERE PURCHASED UNDER THE HAZARD MITIGATION GRANT PROGRAM. (Became law upon approval of the Governor, August 26, 2001–S.L. 2001-386.)

S.B. 842, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA

August 28, 2001

BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS. (Became law upon approval of the Governor, August 26, 2001–S.L. 2001-387.)

S.B. 951, AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION, AND TO ELIMINATE THE UNNECESSARY FILING OF COVER SHEETS. (Became law upon approval of the Governor, August 26, 2001–S.L. 2001-388.)

S.B. 729, AN ACT TO PROVIDE THAT RATES AND CLASSIFICATIONS FOR MOTORCYCLE THEFT AND PHYSICAL DAMAGE INSURANCE ARE TO BE ESTABLISHED BY THE CARRIERS THAT WRITE THOSE COVERAGES AND NOT BY THE NORTH CAROLINA RATE BUREAU; TO PROVIDE THAT THE RATE BUREAU RETAINS JURISDICTION OVER RATES AND CLASSIFICATIONS FOR MOTORCYCLE LIABILITY INSURANCE; AND TO PROVIDE THAT MOTORCYCLE LIABILITY INSURANCE IS STILL CEDABLE TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY. (Became law upon approval of the Governor, August 26, 2001–S.L. 2001-389.)

H.B. 1073, AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS, TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AND TO ALLOW THE SECRETARY OF STATE TO REINSTATE BUSINESS ENTITIES ADMINISTRATIVELY DISSOLVED BY THE SECRETARY. (Became law upon approval of the Governor, August 26, 2001–S.L. 2001-390.)

S.B. 723, AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES. (Became law upon approval of the Governor, August 26, 2001–S.L. 2001-391.)

S.B. 109, AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES. (Became law upon approval of the Governor, August 26, 2001–S.L. 2001-392.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

H.B. 576, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE CIVIL ACTIONS OF ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION, with a favorable report.

August 28, 2001

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION AND THEN AN EXTENDED RECESS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6761, which changes the title to read **H.B. 280** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS, AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 189, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998 AND TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND BY ONE YEAR TO OCTOBER 1, 2002, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8676, which changes the title to read **H.B. 189** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY RULES TO ESTABLISH ADDITIONAL EXCEPTIONS TO THE 30-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS IN CERTAIN CIRCUMSTANCES AND TO ALLOW STRUCTURAL MODIFICATIONS TO PIERS TO PREVENT OR MINIMIZE STORM DAMAGE, AND TO EXTEND THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT SO AS TO ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION ADDITIONAL TIME TO CONSULT WITH PERSONS WHO ARE INTERESTED IN OR MAY BE AFFECTED BY THE ADOPTION OF PERMANENT RULES TO REPLACE THOSE TEMPORARY RULES, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 119 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 29.

H.B. 1362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES.

Referred to **Health Care Committee** and upon a favorable report re-referred to the **Finance Committee**.

H.B. 1427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE DEFINITIONS USED FOR AGRICULTURAL, HORTICULTURAL, AND FORESTRY LAND; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO CREATE A STUDY; AND TO MAKE CONFORMING CHANGES.

Referred to **Agriculture/Environment/Natural Resources Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 904, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR MISDEMEANOR CHILD ABUSE TO A CLASS A1 MISDEMEANOR SO THAT IT IS THE SAME AS THE PENALTY FOR ASSAULT ON AN ADULT.

With unanimous consent, upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

H.B. 882 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF DUCK, AND TO MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE LOCAL OCCUPANCY TAX AND LOCAL LAND TRANSFER TAX, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Warren, Webster, Weinstein and Wellons—43.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 is ordered sent by special message to the House of Representatives, for concurrence in Senate Committee Substitute bill No. 2.

H.B. 381 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

Senator Metcalf offers Amendment No. 1 which is adopted (45-0).

Senator Allran offers Amendment No. 2 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second reading (45-0).

Senator Odom objects to third reading of the measure and upon motion of Senator Metcalf the Senate Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, September 4.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY MULCH-BLOWING EQUIPMENT, with a favorable report.

H.B. 1431 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT DOUBLE TAXATION OF MOTOR VEHICLES WHOSE TAX YEAR CHANGES DUE TO A CHANGE IN REGISTRATION, with a favorable report.

S.B. 433, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6732 is adopted and engrossed.

H.B. 168, A BILL TO BE ENTITLED AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3904, which changes the title to read **H.B. 168** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE TECHNICAL CHANGES TO HOUSE BILL 1073 AND SENATE BILL 842, AS ENACTED BY THE 2001 GENERAL ASSEMBLY, is adopted and engrossed.

Upon motion of Senator Ballance, seconded by Senator Carter, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet tomorrow, Wednesday, August 29, at 3:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 61 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO

WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION, for concurrence in the House Committee Substitute bill .

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 29.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 7:17 P.M.

ONE HUNDRED TWENTY-FIFTH DAY

Senate Chamber
Wednesday, August 29, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we understand the feelings of embarrassment and frustration that must have been experienced by a young man competing in the finals of a memorization contest. It was his turn, the scripture passages had to begin with an 'L', so he became frustrated and blurted out, 'Lying is an abomination to God, but a very present help in times of trouble.'

"Forgive us for so often getting the first part in our lives right but refusing to turn over the last most guarded areas of ourselves to your leadership. Help us to get it all right, for your sake, O God. Amen."

The Chair grants leaves of absence for today to Senator Carpenter, Senator Carter, Senator Harris, Senator Martin of Pitt, Senator Metcalf and Senator Thomas.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, August 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 904, AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS. (Became law upon approval of the Governor, August 29, 2001–S.L. 2001-393.)

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REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

H.B. 351 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3903, which changes the title to read **H.B. 351** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES; TO CLARIFY THE DEFINITION OF "HEALTH CARE PROVIDER" IN THE PROMPT PAYMENT LAW; AND TO MAKE A CORRECTION IN THE DEFINITION OF "HMO", is adopted and engrossed.

H.B. 359 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7682 is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

By Senator Hoyle for the **Finance Committee**:

S.B. 348, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6762, which changes the title to read **S.B. 348** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM, upon second reading.

The Committee Substitute bill passes its second reading, by a three-fifths majority roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin

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of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Warren, Webster, Weinstein and Wellons—42.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, August 30, upon third reading.

H.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Warren, Webster, Weinstein and Wellons—42.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, August 30, upon third reading.

RECOGNITION OF MISS NORTH CAROLINA

With unanimous consent, upon motion of Senator Ballance, the privileges of the floor are extended to Ashley House, Miss North Carolina 2001, from Lincoln County. Senator Hoyle, Senator Forrester, Senator Lucas, Senator Odom, and Senator Wellons are appointed to escort Miss House to the Well of the Senate.

The President *Pro Tempore* recognizes Miss House who offers brief remarks to the Senate.

The President *Pro Tempore* recognizes the Committee to escort Miss House from the Chamber. The guest departs to a standing ovation.

Upon the appearance of Senator Harris in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR (continued)

S.B. 61 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN;

TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Lee, the House Committee Substitute bill is taken up out of its regular order of business.

Upon motion of Senator Lee, the Senate fails to concur in the House Committee Substitute bill (14-29).

Senator Lee offers a motion that the Senate appoint conferees, which motion prevails.

Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Plyler, Chairman, and Senator Lee and Senator Odom as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY MULCH-BLOWING EQUIPMENT, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, August 30, upon third reading.

H.B. 168 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE TECHNICAL CHANGES TO HOUSE BILL 1073 AND SENATE BILL 842, AS ENACTED BY THE 2001 GENERAL ASSEMBLY.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 189 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY RULES TO ESTABLISH ADDITIONAL EXCEPTIONS TO THE 30-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS IN CERTAIN CIRCUMSTANCES AND TO ALLOW STRUCTURAL MODIFICATIONS TO PIERS TO PREVENT OR MINIMIZE STORM DAMAGE, AND TO EXTEND THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT SO AS TO ALLOW THE ENVIRONMENTAL MANAGEMENT

COMMISSION ADDITIONAL TIME TO CONSULT WITH PERSONS WHO ARE INTERESTED IN OR MAY BE AFFECTED BY THE ADOPTION OF PERMANENT RULES TO REPLACE THOSE TEMPORARY RULES.

The Senate Committee Substitute bill passes its second reading (44-0).

Senator Wellons objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, August 30.

H.B. 576, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE CIVIL ACTIONS OF ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION.

With unanimous consent, upon motion of Senator Hagan, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, August 30.

H.B. 280 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS, AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION.

The Senate Committee Substitute bill passes its second reading by a three-fifths majority vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

Senator Hoyle objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, August 30.

H.B. 1431 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT DOUBLE TAXATION OF MOTOR VEHICLES WHOSE TAX YEAR CHANGES DUE TO A CHANGE IN REGISTRATION.

The Committee Substitute bill passes its second reading (44-0).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, August 30.

S.B. 119 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (32-12) and the measure is ordered enrolled and sent to the Governor.

The Senate recesses at 4:00 P.M., subject to receipt of messages from the House of Representatives, to reconvene at 5:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
August 29, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 61**, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION, and requests conferees,

The Speaker appoints:

Representatives Redwine, Chair;
Representatives Easterling,
Representative Oldham, and
Representative Thompson

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

The Senate recesses at 5:30 P.M. for the purpose of a Conference Committee meeting to reconvene at 6:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

The Chair grants leaves of absence for the remainder of today's session to Senator Ballantine, Senator Carrington, Senator Kinnaird and Senator Warren.

August 29, 2001

WITHDRAWAL FROM COMMITTEE

S.B. 809, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE WAGE, referred to the **Commerce Committee** on April 3.

Pursuant to Rule 47(a), Senator Soles offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

CONFERENCE REPORT

Senator Plyler, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 61 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 61, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE

ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION, House Committee Substitute Favorable 8/28/01, Fourth Edition Engrossed 8/28/01, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 8/28/01, Fourth Edition Engrossed 8/28/01 and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute S61-PCCS9343-LT-1

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: August 29, 2001.

Conferees for the Senate

S/ Aaron W. Plyler, Chair
S/ T. LaFontine Odom
S/ Howard Lee

Conferees for the House of Representatives

S/ David Redwine, Chair
S/ Warren C. Oldham
S/ Ruth M. Easterling
S/ Gregory J. Thompson

The text of the attached Proposed Conference Committee Substitute S61-PCCS9343-LT-1 is as follows:

A BILL TO BE ENTITLED

AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, AND FOR KINDERGARTEN CLASS SIZE REDUCTION, FOR HIRING REVENUE PERSONNEL FOR PROJECT COLLECT TAX; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE

August 29, 2001

STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX.

The General Assembly of North Carolina enacts:

PART I. CONTINUED BUDGET AUTHORITY.

SECTION 1. Section 8 of S.L. 2001-250, as amended by S.L. 2001-287 and Section 1 of S.L. 2001-322, reads as rewritten:

"**SECTION 8.** Except as otherwise provided, this act becomes effective July 1, 2001. This act expires ~~August 29, 2001.~~ September 28, 2001."

PART II. HEALTH AND HUMAN SERVICES BLOCK GRANTS.

SECTION 2. Section 2 of S.L. 2001-250 is repealed.

SECTION 2.1.(a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 2002, according to the following schedule:

COMMUNITY SERVICES BLOCK GRANT

01. Community Action Agencies	\$ 14,160,375
02. Limited Purpose Agencies	979,017
03. Department of Health and Human Services to administer and monitor the activities of the Community Services Block Grant	500,000
TOTAL COMMUNITY SERVICES BLOCK GRANT	\$15,639,392

SOCIAL SERVICES BLOCK GRANT

01. County departments of social services (Transfer from TANF - \$4,500,000)	\$ 27,395,663
02. Allocation for in-home services provided by county departments of social services	2,101,113
03. Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	3,234,601
04. Division of Services for the Blind	3,105,711
05. Division of Facility Services	426,836
06. Division of Aging – Home and Community Care Block Grant	1,840,234
07. Child Care Subsidies	3,000,000
08. Division of Vocational Rehabilitation – United Cerebral Palsy	71,484

09. State administration	1,693,368
10. Child Medical Evaluation Program	238,321
11. Adult day care services	2,155,301
12. Comprehensive Treatment Services Program	750,000
13. Transfer to Preventive Health Services Block Grant for emergency medical services	213,128
14. Transfer to Preventive Health Services Block Grant for HIV/AIDS Prevention Activities	395,789
15. Department of Administration for the N.C. State Commission of Indian Affairs In-Home Services Program for the Elderly	203,198
16. Division of Vocational Rehabilitation – Easter Seals Society	116,779
17. UNC-CH CARES Program for training and consultation services	247,920
18. Office of the Secretary - Office of Economic Opportunity for N.C. Senior Citizens' Federation for outreach services to low-income elderly persons	41,302
19. Transfer from TANF Block Grant for Division of Social Services - Child Caring Agencies	1,500,000
20. Division of Mental Health, Developmental Disabilities, and Substance Abuse Services - Developmentally Disabled Waiting List for services	5,000,000
21. Transfer to Maternal and Child Health Block Grant for Newborn Screenings	90,611
22. Transfer to Preventive Health Services Block Grant for HIV/AIDS education, counseling, and testing	66,939
TOTAL SOCIAL SERVICES BLOCK GRANT	\$53,888,298

LOW-INCOME ENERGY BLOCK GRANT

01. Energy Assistance Programs	\$ 8,092,113
02. Crisis Intervention	5,795,825
03. Administration	1,984,934
04. Weatherization Program	2,684,116
05. Department of Administration – N.C. State Commission of Indian Affairs	39,765
06. Heating Air Repair and Replacement Program	1,252,588
TOTAL LOW-INCOME ENERGY BLOCK GRANT	\$19,849,342

MENTAL HEALTH SERVICES BLOCK GRANT

01. Provision of community-based services in accordance with the Mental Health Study Commission's Adult Severe and Persistently Mentally Ill Plan	\$ 5,192,826
02. Provision of community-based services to children	2,378,540
03. Establish Child Residential Treatment Services Program	1,500,000
04. Administration	783,911
TOTAL MENTAL HEALTH SERVICES BLOCK GRANT	\$9,855,277

SUBSTANCE ABUSE PREVENTION
AND TREATMENT BLOCK GRANT

01. Provision of community-based alcohol and drug abuse services, tuberculosis services, and services provided by the Alcohol and Drug Abuse Treatment Centers	\$ 14,501,711
02. Continuation of services for pregnant women and women with dependent children	6,007,303
03. Continuation of services to IV drug abusers and others at risk for HIV diseases	5,209,934

04. Provision of services to children and adolescents	6,839,190
05. Juvenile Services - Family Focus	774,414
06. Child Residential Treatment Services Program	700,000
07. Administration	2,423,049
TOTAL SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT	\$36,455,601
CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT	
01. Child care subsidies	\$148,343,839
02. Quality and availability initiatives	17,259,661
03. Administrative expenses	6,550,000
04. Transfer from TANF Block Grant for child care subsidies	76,675,000
TOTAL CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT	\$248,828,500
TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) BLOCK GRANT	
01. Work First Cash Assistance	\$114,181,958
02. Work First County Block Grants	92,018,855
03. Transfer to the Child Care and Development Fund Block Grant for child care subsidies	76,675,000
04. Allocation to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services for Work First substance abuse screening, diagnostic, and support treatment services and drug testing	3,500,000
05. Cash Assistance Reserve	11,876,624
06. Allocation to the Division of Social Services for staff development	500,000
07. Reduction of out-of-wedlock births	1,440,000
08. Substance Abuse Services for Juveniles	1,182,280

09. Special Children Adoption Fund	2,811,687
10. Business Process Reengineering Project Reserve	3,000,000
11. Work First Job Retention - NC Rural Center (\$270,000) Work Central Career Advancement Center (\$180,000)	450,000
12. Allocation to the Division of Public Health for teen pregnancy prevention	2,015,335
13. Transfer to Social Services Block Grant for Child Caring Agencies	1,500,000
14. Child Care Subsidies for TANF Recipients	26,621,241
15. Work First Housing Initiative - Existing programs (\$1,800,000) - New programs (\$900,000)	2,700,000
16. Allocation to the Division of Social Services for Domestic Violence Prevention and Awareness	900,000
17. County Child Protective Services, Foster Care, and Adoption Workers	2,727,550
18. Intensive Family Preservation Program	1,800,000
19. Work First/Boys and Girls Clubs	900,000
20. Transfer to Social Services Block Grant for County Departments of Social Services for Children's Services	4,500,000
21. Support Our Students - Department of Juvenile Justice and Delinquency Prevention	2,475,607
22. Residential Substance Abuse Services for Women With Children	4,500,000
23. Domestic Violence Services for Work First Families	1,800,000
24. After-School Services for At-Risk Children	2,700,000
25. Division of Social Services – Administration	500,000

26. Child Welfare workers and services for local departments of social services	7,654,841
27. Child Welfare Training	2,000,000
28. Individual Development Accounts	180,000
TOTAL TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) BLOCK GRANT	\$373,110,978

MATERNAL AND CHILD HEALTH BLOCK GRANT

01. Healthy Mothers/Healthy Children Block Grants to Local Health Departments	\$9,838,074
02. High-Risk Maternity Clinic Services, Perinatal Education and Training, Childhood Injury Prevention, Public Information and Education, and Technical Assistance to Local Health Departments	2,012,102
03. Services to Children With Special Health Care Needs	5,078,647
04. Transfer from Social Services Block Grant for Newborn Screenings	90,611
TOTAL MATERNAL AND CHILD HEALTH BLOCK GRANT	\$17,019,434

PREVENTIVE HEALTH SERVICES BLOCK GRANT

01. Statewide Health Promotion Programs	\$3,061,182
02. Dental Services/Fluoridation	100,800
03. Rape Crisis/Victims' Services Program - Council for Women	190,134
04. Rape Prevention and Education Program - Division of Public Health and Council for Women	1,139,869
05. Transfer from Social Services Block Grant – HIV/AIDS Prevention Activities	395,789
06. Transfer from Social Services Block Grant – Emergency Medical Services	213,128

07. Transfer from Social Services Block Grant – HIV/AIDS education, counseling, and testing	66,939
08. Office of Minority Health	159,459
09. Administrative Costs	108,546
TOTAL PREVENTIVE HEALTH SERVICES BLOCK GRANT	\$5,435,846

SECTION 2.1.(b) Decreases in Federal Fund Availability. - If the United States Congress reduces federal fund availability in the Social Services Block Grant below the amounts appropriated in this section, then the Department of Health and Human Services shall allocate these decreases giving priority first to those direct services mandated by State or federal law, then to those programs providing direct services that have demonstrated effectiveness in meeting the federally and State-mandated services goals established for the Social Services Block Grant. The Department shall not include transfers from TANF for specified purposes in any calculations of reductions to the Social Services Block Grant.

If the United States Congress reduces the amount of TANF funds below the amounts appropriated in this section after the effective date of this act, then the Department shall allocate the decrease in funds after considering any underutilization of the budget and the effectiveness of the current level of services. Any TANF Block Grant fund changes shall be reported to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

Decreases in federal fund availability shall be allocated for the Maternal and Child Health and Preventive Health Services federal block grants by the Department of Health and Human Services after considering the effectiveness of the current level of services.

SECTION 2.1.(c) Increases in Federal Fund Availability. - Any block grant funds appropriated by the United States Congress in addition to the funds specified in this act shall be expended by the Department of Health and Human Services, with the approval of the Office of State Budget and Management, provided the resultant increases are in accordance with federal block grant requirements and are within the scope of the block grant plan approved by the General Assembly.

SECTION 2.1.(d) Changes to the budgeted allocations to the block grants appropriated in this act and new allocations from the block grants not specified in this act shall be submitted to the Joint Legislative Commission on Governmental Operations for review prior to the change and shall be reported immediately to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(e) The Department of Health and Human Services may allow no-cost contract extensions for up to six months for nongovernmental grant recipients under the TANF Block Grant.

SECTION 2.1.(f) Limitations on Preventive Health Services Block Grant Funds. - Twenty-five percent (25%) of funds allocated for Rape Prevention and Rape Education shall be allocated as grants to nonprofit organizations to provide rape prevention and education programs targeted for middle, junior high, and high school students.

If federal funds are received under the Maternal and Child Health Block Grant for abstinence education, pursuant to section 912 of Public Law 104-193 (42 U.S.C. § 710), for the 2001-2002 fiscal year, then those funds shall be transferred to the State Board of

Education to be administered by the Department of Public Instruction. The Department of Public Instruction shall use the funds to establish an Abstinence Until Marriage Education Program and shall delegate to one or more persons the responsibility of implementing the program and G.S. 115C-81(e1)(4). The Department of Public Instruction shall carefully and strictly follow federal guidelines in implementing and administering the abstinence education grant funds.

SECTION 2.1.(g) The Department of Health and Human Services, Division of Social Services, shall do the following:

- (1) Continue the current evaluation of the Work First Program to assess former recipients' earnings, barriers to advancement to economic self-sufficiency, utilization of community support services, and other longitudinal employment data. Assessment periods shall include six and 18 months following closure of the case.
- (2) Continue the current evaluation of the Work First Program to profile the State's child-only caseload to include indicators of economic and social well-being, academic and behavioral performance, demographic data, description of living arrangements including length of placement out of the home, social and other human services provided to families, and other information needed to assess the needs of the child-only Work First Family Assistance clients and families.

The Division of Social Services may use up to seven hundred fifty thousand dollars (\$750,000) in TANF funds to complete the evaluation of Work First.

The Department of Health and Human Services shall make a report on its progress in complying with this subsection to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division no later than September 30, 2001, and shall make a final report no later than September 30, 2002.

SECTION 2.1.(h) The sum of two million eight hundred eleven thousand six hundred eighty-seven dollars (\$2,811,687) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Special Children Adoption Fund, for the 2001-2002 fiscal year shall be used to implement this subsection. The Division of Social Services, in consultation with the North Carolina Association of County Directors of Social Services and representatives of licensed private adoption agencies, shall develop guidelines for the awarding of funds to licensed public and private adoption agencies upon the adoption of children described in G.S. 108A-50 and in foster care. Payments received from the Special Children Adoption Fund by participating agencies shall be used exclusively to enhance the adoption services program. No local match shall be required as a condition for receipt of these funds.

SECTION 2.1.(i) The sum of one million five hundred thousand dollars (\$1,500,000) appropriated in this act in the TANF Block Grant and transferred to the Social Services Block Grant to the Department of Health and Human Services, Division of Social Services, for child caring agencies for the 2001-2002 fiscal year shall be allocated to the State Private Child Caring Agencies Fund. These funds shall be combined with all other funds allocated to the State Private Child Caring Agencies Fund for the reimbursement of the State's portion of the cost of care for the placement of certain children by the county departments of social services who are not eligible for federal IV-E funds. These funds shall not be used to match other federal funds.

SECTION 2.1.(j) The sum of three hundred thousand dollars (\$300,000) appropriated in this section to the Department of Health and Human Services in the Child Care and Development Fund Block Grant shall be used to develop and implement a Medical Child Care Pilot open to children throughout the State.

SECTION 2.1.(k) The sum of nine hundred thousand dollars (\$900,000) appropriated

in this section to the Department of Health and Human Services in the TANF Block Grant for Boys and Girls Clubs shall be used to make grants for approved programs. The Department of Health and Human Services, in accordance with federal regulations for the use of TANF Block Grant funds, shall administer a grant program to award funds to the Boys and Girls Clubs across the State in order to implement programs that improve the motivation, performance, and self-esteem of youths and to implement other initiatives that would be expected to reduce school dropout and teen pregnancy rates. The Department shall encourage and facilitate collaboration between the Boys and Girls Clubs and Support Our Students, Communities in Schools, and similar programs to submit joint applications for the funds if appropriate.

SECTION 2.1.(l) Payment for subsidized child care services provided with federal TANF funds shall comply with all regulations and policies issued by the Division of Child Development for the subsidized child care program.

SECTION 2.1.(m) The sum of two million seven hundred thousand dollars (\$2,700,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the Work First Housing Initiative shall be used to provide direct housing support to Work First clients. Direct housing support includes using funds for rental assistance, loans, moving expenses, and other financial assistance. No more than ten percent (10%) of these funds may be used for administration. These funds may be used for counseling or similar services only if it is demonstrated that those services are not otherwise available in the community.

SECTION 2.1.(n) The sum of five hundred thousand dollars (\$500,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year shall be used to support administration of TANF-funded programs.

SECTION 2.1.(o) The sum of four million five hundred thousand dollars (\$4,500,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year shall be used to provide regional residential substance abuse treatment and services for women with children. The Department of Health and Human Services, the Division of Social Services, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in consultation with local departments of social services, area mental health programs, and other State and local agencies or organizations, shall coordinate this effort in order to facilitate the expansion of regionally based substance abuse services for women with children. These services shall be culturally appropriate and designed for the unique needs of TANF women with children.

In order to expedite the expansion of these services, the Secretary of the Department of Health and Human Services may enter into contracts with service providers.

The Department of Health and Human Services, the Division of Social Services, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, shall report on their progress in complying with this subsection no later than October 1, 2001, and March 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division. These reports shall include all of the following:

- (1) The number and location of additional beds created.
- (2) The types of facilities established.
- (3) The delineation of roles and responsibilities at the State and local levels.
- (4) Demographics of the women served, the number of women served, and the cost per client.
- (5) Demographics of the children served, the number of children served, and the

services provided.

- (6) Job placement services provided to women.
- (7) A plan for follow-up and evaluation of services provided with an emphasis on outcomes.
- (8) Barriers identified to the successful implementation of the expansion.
- (9) Identification of other resources needed to appropriately and efficiently provide services to Work First recipients.
- (10) Other information as requested.

SECTION 2.1.(p) The sum of two million four hundred seventy-five thousand six hundred seven dollars (\$2,475,607) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services and transferred to the Department of Juvenile Justice and Delinquency Prevention for the 2001-2002 fiscal year shall be used to support the existing Support Our Students Program and to expand the Program statewide, focusing on low-income communities in unserved areas. These funds shall not be used for administration of the program.

SECTION 2.1.(q) The sum of one million eight hundred thousand dollars (\$1,800,000) appropriated under this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year shall be used to provide domestic violence services to Work First recipients. These funds shall be used to provide domestic violence counseling, support, and other direct services to clients. These funds shall not be used to establish new domestic violence shelters or to facilitate lobbying efforts. The Division of Social Services may use up to seventy-five thousand dollars (\$75,000) in TANF funds to establish one administrative position within the Division of Social Services to implement this subsection.

Each county department of social services and the local domestic violence shelter program serving the county shall jointly develop a plan for utilizing these funds. The plan shall include the services to be provided and the manner in which the services shall be delivered. The county plan shall be signed by the county social services director or the director's designee and the domestic violence program director or the director's designee and submitted to the Division of Social Services by December 1, 2001. The Division of Social Services, in consultation with the Council for Women, shall review the county plans and shall provide consultation and technical assistance to the departments of social services and local domestic violence shelter programs, if needed.

The Division of Social Services shall allocate these funds to county departments of social services according to the following formula: (i) each county shall receive a base allocation of ten thousand dollars (\$10,000) and (ii) each county shall receive an allocation of the remaining funds based on the county's proportion of the statewide total of the Work First caseload as of July 1, 2001, and the county's proportion of the statewide total of the individuals receiving domestic violence services from programs funded by the Council for Women as of July 1, 2001. The Division of Social Services may reallocate unspent funds to counties that submit a written request for additional funds.

The Department of Health and Human Services shall report on the uses of these funds no later than March 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(r) The sum of two million seven hundred thousand dollars (\$2,700,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, shall be used to expand after-school programs and services for at-risk children. The Department shall develop and implement a grant program to award grants to community-based programs that demonstrate the ability to reach children at risk of teen pregnancy and school dropout. The Department shall award grants to community-based organizations that demonstrate the

ability to develop and implement linkages with local departments of social services, area mental health programs, schools, and other human services programs in order to provide support services and assistance to the child and family. These funds may be used to establish one position within the Division of Social Services to coordinate at-risk after-school programs and shall not be used for other State administration. The Department shall report no later than March 1, 2002, on its progress in complying with this section to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(s) The sum of seven million six hundred fifty-four thousand eight hundred forty-one dollars (\$7,654,841) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year for Child Welfare Improvements shall be allocated to the county departments of social services for hiring or contracting staff to investigate and provide services in Child Protective Services cases; to provide foster care and support services; to recruit, train, license, and support prospective foster and adoptive families; and to provide interstate and post-adoption services for eligible families.

SECTION 2.1.(t) The sum of one million five hundred thousand dollars (\$1,500,000) appropriated in this section in the Mental Health Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year and the sum of seven hundred thousand dollars (\$700,000) appropriated in this section in the Substance Abuse Prevention and Treatment Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year shall be used to continue a Comprehensive Treatment Services Program in accordance with Section 21.60 of Senate Bill 1005, 2001 Session, 5th Edition engrossed, the text of which is incorporated by reference.

SECTION 2.1.(u) The sum of two million dollars (\$2,000,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for fiscal year 2001-2002 shall be used to support various child welfare training projects as follows:

- (1) Provide a regional training center in southeastern North Carolina.
- (2) Support the Masters Degree in Social Work/Baccalaureate Degree in Social Work Collaborative.
- (3) Provide training for residential child care facilities.
- (4) Provide for various other child welfare training initiatives.

SECTION 2.1.(v) The sum of nine million three hundred forty-seven thousand six hundred thirty-one dollars (\$9,347,631) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for a Cash Assistance Reserve may only be used for cash assistance payment if the funds appropriated in this act for cash assistance payments are not sufficient to pay Work First cash assistance in the 2001-2002 fiscal year. Prior to the use of these funds, the Office of State Budget and Management shall review all proposals for expenditure of these funds in order to ensure compliance with this subsection.

The sum of two million five hundred twenty-eight thousand nine hundred ninety-three dollars (\$2,528,993) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for a Cash Assistance Reserve shall be held in the Cash Assistance Reserve until the Department of Health and Human Services and the Office of State Budget and Management can certify that these funds are not needed to ensure the continuation of the Work First Family Assistance payments to recipients during the 2001-2002 fiscal year. These funds may be used only for the payment of Work First Family Assistance and the allocations listed in this subsection. If the Department of Health

and Human Services and the Office of State Budget and Management certify that these funds are not needed to ensure the continuation of Work First Family Assistance payments, the Department may make the following transfers from the Cash Assistance Reserve:

(1) Reduction of out-of-wedlock births.	\$160,000
(2) Work First Job Retention – Rural Center (\$30,000)	
Work Central Career Center (\$20,000)	\$50,000
(3) Teen Pregnancy Prevention	\$223,926
(4) Work First Housing Initiative	\$300,000
(5) Domestic Violence Prevention and Awareness	\$100,000
(6) Intensive Family Preservation Program	\$200,000
(7) Work First Boys and Girls Clubs	\$100,000
(8) Support our Students	\$275,674
(9) Residential Substance Abuse Services for Women with Children	\$500,000
(10) Domestic Violence Services for Work First Families	\$200,000
(11) After School Services for At-Risk Children	\$300,000
(12) Individual Development Accounts	\$20,000

SECTION 2.1.(w) The sum of three million dollars (\$3,000,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for a Business Process Reengineering Project Reserve may only be used for the project if funds appropriated in this act for Business Process Reengineering are not sufficient to continue the project through the 2001-2002 fiscal year. Prior to the use of these funds, the Office of State Budget and Management shall review all proposals for expenditure of these funds in order to ensure compliance with this subsection.

SECTION 2.1.(x) If funds appropriated through the Child Care and Development Fund Block Grant for any program cannot be obligated or spent in that program within the obligation or liquidation periods allowed by the federal grants, the Department may move funds to child care subsidies unless otherwise prohibited by federal requirements of the grant, in order to use the federal funds fully.

SECTION 2.1.(y) The sum of nine hundred thousand dollars (\$900,000) appropriated under this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year for Domestic Violence Prevention and Awareness shall be used for grants to support initiatives by local domestic violence programs to prevent domestic violence. Prevention activities shall include efforts to reach under-served populations and shall be culturally sensitive and multilingual. The Department shall award grants to community-based organizations that demonstrate the ability to collaborate and coordinate services with other local human services agencies and organizations in order to serve children and families where domestic violence has occurred or is occurring. The Department shall report on the use of these funds no later than May 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(z) The sum of three hundred ninety-five thousand seven hundred eighty-nine dollars (\$395,789) appropriated in this section in the Social Services Block Grant and transferred to the Preventive Health Service Block Grant to the Department of Health and Human Services for the 2001-2002 fiscal year for HIV/AIDS Prevention Activities shall be used to create a position in the Office of the Secretary and to enhance activities for HIV/AIDS awareness and education. The position shall be responsible for all

planning, programming, and budgeting for compliance with this subsection. These prevention activities shall be targeted to the general public and programs identified in this subsection and shall not be used to augment the current grant programs that target high-risk populations through the community-based organizations.

It is the intention of the General Assembly to focus current resources and activities to strengthen and enhance prevention and intervention programs directed at the reduction of HIV/AIDS. The Department shall coordinate efforts to enhance awareness, education, and outreach with the North Carolina AIDS Advisory Council, North Carolina Minority Health Advisory Council, representatives of faith communities, representatives of nonprofit agencies, and other State agencies.

The Department of Health and Human Services shall coordinate and ensure the implementation of developmentally appropriate education, awareness, and outreach campaigns to comply with this subsection in the following programs and services:

- (1) Division of Social Services programs and services:
 - a. Domestic Violence Prevention and Awareness.
 - b. Domestic Violence Services for Work First Families.
 - c. After School Services for At Risk Children.
 - d. Work First Boys/Girls Clubs.
- (2) Division of Mental Health, Developmental Disabilities, and Substance Abuse Services programs and services:
 - a. Substance Abuse Services for Juveniles.
 - b. Residential Substance Abuse Services for Women and Children.
- (3) Division of Public Health programs and services:
 - a. Teen Pregnancy Prevention Activities.
 - b. Out-of-Wedlock Births.
 - c. School Health Program.
 - d. High-Risk Maternity Clinic Services.
 - e. Perinatal Education and Training.
 - f. Public Information and Education.
 - g. Technical Assistance to Local Health Departments.
- (4) Other divisions, services, and programs:
 - a. Family Support Services.
 - b. Family Resource Centers.
 - c. Independent Living Services.
 - d. Residential schools and facilities.
 - e. Other programs, services, or contracts that provide education and awareness services to children and families.

Other State agencies, including the Department of Public Instruction, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Administration, shall ensure the incorporation of developmentally appropriate HIV/AIDS education, awareness, and outreach information into their programs.

The Department shall report on the implementation of this subsection on March 15, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(aa) The sum of one hundred eighty thousand dollars (\$180,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for the 2001-2002 fiscal year shall be used for Individual Development Accounts (IDA) for TANF-eligible individuals. The Social Services Commission shall adopt rules for the implementation of this subsection.

PART III. MEDICAID COST-CONTAINMENT AND GROWTH REDUCTION.

SECTION 3.(a) The Department of Health and Human Services, Division of Medical Assistance, shall contain Medicaid Program costs by reducing the rate of growth of the Medicaid Program, except for the rate of growth in the number of persons eligible for Medicaid. The Department shall develop and implement a plan to reduce the rate of growth in total expenditures for payments for medical services for fiscal year 2002-2003 to eight percent (8%) or less of the total expenditures for the 2001-2002 fiscal year, excluding the rate of growth associated with eligibles.

SECTION 3.(b) In addition to findings and recommendations in the "North Carolina Medicaid Benefit Study", May 1, 2001, the Department of Health and Human Services may also consider the following actions to reduce the rate of growth in the Medicaid Program:

- (1) Changes in methods of reimbursement;
- (2) Changes in the method of determining or limiting inflation factors, or both;
- (3) Recalibration of existing methods of reimbursement; and
- (4) Contracting for services.

SECTION 3.(c) As part of any efforts to contain Medicaid Program costs, the Department of Health and Human Services, Division of Medical Assistance, shall establish reimbursement rates that will allow efficient Medicaid providers to comply with certification requirements, licensure rules, or other mandated quality or safety standards.

SECTION 3.(d) The Department shall report on its plans to reduce the rate of growth in the State Medicaid Program not later than December 1, 2001. The Department shall submit the report to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 3.(e) The Department shall not change medical policy affecting the amount, sufficiency, duration, and scope of health care services and who may provide services until the Division of Medical Assistance has prepared a five-year fiscal analysis documenting the increased cost of the proposed change in medical policy and submitted it for departmental review. If the fiscal impact indicated by the fiscal analysis for any proposed medical policy change exceeds three million dollars (\$3,000,000) in total requirements for a given fiscal year, then the Department shall submit the proposed policy change with the fiscal analysis to the Office of State Budget and Management and the Fiscal Research Division.

PART IV. MEDICAID COST-CONTAINMENT ACTIVITIES.

SECTION 4. The Department of Health and Human Services may use not more than three million dollars (\$3,000,000) in each year of the 2001-2003 fiscal biennium in Medicaid funds budgeted for program services to support the cost of administrative activities when cost effectiveness and savings are demonstrated. The funds shall be used to support activities that will contain the cost of the Medicaid Program, including contracting for services or hiring additional staff. Medicaid cost-containment activities may include prospective reimbursement methods, incentive-based reimbursement methods, service limits, prior authorization of services, periodic medical necessity reviews, revised medical necessity criteria, service provision in the least costly settings, and other cost-containment activities. Funds may be expended under this section only after the Office of State Budget and Management has approved a proposal for the expenditure submitted by the Department. Proposals for expenditure of funds under this section shall include the cost of implementing the cost-containment activity and documentation of the amount of savings expected to be realized from the cost-containment activity. The Department shall provide a copy of proposals for expenditures under this section to the Fiscal Research Division.

PART V. MEDICAID PROGRAM MANAGEMENT.

SECTION 5.(a) The Department of Health and Human Services shall consider the findings and recommendations in the "North Carolina Medicaid Benefit Study", May 1, 2001, and shall target the following in considering whether and to what extent to implement recommendations:

- (1) Reduction in the fragmentation in the medical benefit policy-making process.
- (2) Improvement in the use of data and medical literature in the decision-making process.
- (3) Improvement in the coordination of care and utilization review process.
- (4) Strengthening of program integrity controls.

SECTION 5.(b) The Department shall implement a pharmacy management plan considering the recommendations of the "North Carolina Medicaid Benefit Study" to achieve anticipated cost savings. The pharmacy management plan may include the following activities:

- (1) Establishing a prior authorization program to manage utilization of high-cost brand name drugs. In determining drugs to be included in the prior authorization program, the Department shall consider whether inclusion of these drugs is likely to:
 - a. Increase utilization of more expensive services;
 - b. Reduce quality of treatment;
 - c. Result in a lower level of compliance with appropriate drug therapy; and
 - d. Have a differential impact upon racial and ethnic minorities and the elderly.

The Department shall conduct a review at least annually of the drugs included in the prior authorization program to determine whether any of the factors listed in this subdivision or other factors with similar results have occurred.
- (2) Limiting prescription drugs to a 34-day supply for some or all drugs.
- (3) Developing physician prescribing practice profiles and other educational tools to enable physicians to better manage their prescriptions.
- (4) Establishing therapeutic limits based on appropriate dosage or usage standards.
- (5) Encouraging use of generic drugs.
- (6) Using maximum allowable pricing.
- (7) Contracting with a pharmacy benefits manager to implement more extensive drug utilization review.
- (8) Studying the impact of eliminating the six prescription drug monthly limit combined with a more rigorous prior authorization program to ensure cost decisions are made based on evidenced-based clinical guidelines.
- (9) Expanding disease management initiatives.
- (10) Working with ACCESS physicians to develop and implement drug utilization management initiatives.
- (11) If cost-effective, expanding Medicaid drug coverage to include selected over-the-counter medications.

SECTION 5.(c) The Department shall report on all of the activities conducted under this section to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division not later than January 1, 2002.

PART VI. ADOPTION OF MEDICAL COVERAGE POLICY UNDER STATE MEDICAID PROGRAM; MEDICAL COVERAGE POLICY EXEMPT FROM RULE MAKING UNDER THE APA.

SECTION 6.(a) In order to promote consistency among providers and to ensure that medical coverage criteria are uniformly applied to Medicaid recipients throughout the State, the Department of Health and Human Services shall adopt medical coverage policies for the State Medicaid Program that are consistent with national standards or

Department-defined standards. If the Department determines that application of a national standard would likely cause significant deterioration in the quality of or access to appropriate medical care, then the Department shall substitute for that national standard an evidence-based, best-practice standard that will not compromise quality of or access to appropriate medical care. The adoption of new or amended medical coverage policies under the State Medicaid Program are exempt from the rule-making requirements of Chapter 150B of the General Statutes.

SECTION 6.(b) The Department shall develop, amend, and adopt medical coverage policy in accordance with the following:

- (1) During the development of new medical coverage policy or amendment to existing medical coverage policy, consult with and seek the advice of the Physician Advisory Group of the North Carolina Medical Society and other organizations the Secretary deems appropriate.
- (2) At least 45 days prior to the adoption of new or amended medical coverage policy, the Department shall:
 - a. Publish the proposed new or amended medical coverage policy on the Department's website;
 - b. Notify all Medicaid providers of the proposed, new, or amended policy; and
 - c. Upon request, provide persons copies of the proposed medical coverage policy.
- (3) During the 45-day period immediately following publication of the proposed new or amended medical coverage policy, accept oral and written comments on the proposed new or amended policy.
- (4) If, following the comment period, the proposed new or amended medical coverage policy is modified, then the Department shall, at least 15 days prior to its adoption:
 - a. Notify all Medicaid providers of the proposed policy;
 - b. Upon request, provide persons notice of amendments to the proposed policy; and
 - c. Accept additional oral or written comments during this 15-day period.

SECTION 6.(c) G.S. 150B-1(d), as amended by S.L. 2001-299, reads as rewritten:

"(d) Exemptions from Rule Making. - Article 2A of this Chapter does not apply to the following:

- (1) The Commission.
- (2) Repealed by Session Laws 2000-189, s. 14, effective July 1, 2000.
- (3) The North Carolina Hazardous Waste Management Commission in administering the provisions of G.S. 130B-13 and G.S. 130B-14.
- (4) The Department of Revenue, with respect to the notice and hearing requirements contained in Part 2 of Article 2A.
- (5) The North Carolina Global TransPark Authority with respect to the acquisition, construction, operation, or use, including fees or charges, of any portion of a cargo airport complex.
- (6) The Department of Correction, with respect to matters relating solely to persons in its custody or under its supervision, including prisoners, probationers, and parolees.
- (7) The North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan in administering the provisions of Parts 2 and 3 of Article 3 of Chapter 135 of the General Statutes.
- (8) The North Carolina Federal Tax Reform Allocation Committee, with respect to the adoption of the annual qualified allocation plan required by 26 U.S.C. § 42(m), and any agency designated by the Committee to the extent necessary to administer the annual qualified allocation plan.

- (9) The Department of Health and Human Services in adopting new or amending existing medical coverage policies under the State Medicaid Program."

PART VII. TANF STATE PLAN.

SECTION 7.(a) The General Assembly approves the plan titled "North Carolina Temporary Assistance for Needy Families State Plan FY 2001-2003", prepared by the Department of Health and Human Services and presented to the General Assembly on May 15, 2001, as revised in accordance with subsection (b) of this section. The North Carolina Temporary Assistance for Needy Families State Plan covers the period October 1, 2001, through September 30, 2003. The Department shall submit the State Plan, as revised in accordance with subsection (b) of this section, to the United States Department of Health and Human Services as amended by this act or any other act of the 2001 General Assembly.

SECTION 7.(b) The Department of Health and Human Services shall revise the North Carolina Temporary Assistance for Needy Families State Plan FY 2001-2003, submitted to the General Assembly for approval on May 15, 2001. The revisions shall be made to the following Plan components:

- (1) Enhanced Employee Assistance Program to reflect changes in funding.
- (2) Services for Families to remove reference to start-up activities.
- (3) Work Responsibility to remove reference to start-up activities.
- (4) Cabarrus County Waiver to reflect changes in the law made by the 2001 General Assembly.
- (5) Goal #8 to provide that caseload reduction goals are subject to economic conditions in the county.

SECTION 7.(c) The counties approved as Electing Counties in North Carolina's Temporary Assistance for Needy Families State Plan FY 2001-2003 as approved by this section are: Caldwell, Caswell, Davie, Henderson, Iredell, Lenoir, Lincoln, Macon, McDowell, Randolph, Sampson, Surry, and Wilkes.

SECTION 7.(d) Counties designated as electing counties pursuant to Section 12.27A of S.L. 1998-212 and who submitted the letter of intent to be redesignated as a standard county and the accompanying county plan for FY 2001-2003, pursuant to G.S. 108A-27(e), shall operate under the standard county budget requirements effective July 1, 2001. Counties that submitted the letter of intent to remain as an electing county or to be redesignated as an electing county and the accompanying county plan for FY 2001-2003, pursuant to G.S. 108A-27(e), shall operate under the electing county budget requirements effective July 1, 2001. For programmatic purposes, all counties referred to in this subsection shall remain under their current county designation through September 30, 2001.

PART VIII. NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS.

SECTION 8.(a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 2002, according to the following schedule:

COMMUNITY DEVELOPMENT BLOCK GRANT

01. State Administration	\$1,000,000
02. Urgent Needs and Contingency	1,000,000
03. Scattered Site Housing	13,200,000
04. Economic Development	8,710,000

05. Community Revitalization	13,500,000
06. State Technical Assistance	450,000
07. Housing Development	2,000,000
08. Infrastructure	5,140,000

TOTAL COMMUNITY DEVELOPMENT

BLOCK GRANT - 2002 Program Year \$45,000,000

SECTION 8.(b) Decreases in Federal Fund Availability. - If federal funds are reduced below the amounts specified above after the effective date of this act, then every program in each of these federal block grants shall be reduced by the same percentage as the reduction in federal funds.

SECTION 8.(c) Increases in Federal Fund Availability for Community Development Block Grant. - Any block grant funds appropriated by the Congress of the United States in addition to the funds specified in this section shall be expended as follows: Each program category under the Community Development Block Grant shall be increased by the same percentage as the increase in federal funds.

SECTION 8.(d) Limitations on Community Development Block Grant Funds. - Of the funds appropriated in this section for the Community Development Block Grant, the following shall be allocated in each category for each program year: up to one million dollars (\$1,000,000) may be used for State administration; up to one million dollars (\$1,000,000) may be used for Urgent Needs and Contingency; up to thirteen million two hundred thousand dollars (\$13,200,000) may be used for Scattered Site Housing; up to eight million seven hundred ten thousand dollars (\$8,710,000) may be used for Economic Development; not less than thirteen million five hundred thousand dollars (\$13,500,000) shall be used for Community Revitalization; up to four hundred fifty thousand dollars (\$450,000) may be used for State Technical Assistance; up to two million dollars (\$2,000,000) may be used for Housing Development; up to five million one hundred forty thousand dollars (\$5,140,000) may be used for Infrastructure. If federal block grant funds are reduced or increased by the Congress of the United States after the effective date of this act, then these reductions or increases shall be allocated in accordance with subsection (b) or (c) of this section, as applicable.

SECTION 8.(e) Increase Capacity for Nonprofit Organizations. - Assistance to nonprofit organizations to increase their capacity to carry out CDBG-eligible activities in partnership with units of local government is an eligible activity under any program category in accordance with federal regulations. Capacity building grants may be made from funds available within program categories, program income, or unobligated funds.

SECTION 8.(f) Study. - The Department of Commerce shall study the development of a training program designed to provide a minimum level of knowledge and skills for Community Development Block Grant administrators. In conducting the study, the Department shall consult the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, the North Carolina Community Development Association, and the Institute of Government at the University of North Carolina at Chapel Hill. The Department may use unencumbered and unspent State Technical Assistance funds from previous program years to conduct the study. The Department shall report its findings to the House and Senate Appropriations Subcommittees on Natural and Economic Resources and the Fiscal Research Division by February 1, 2002.

PART IX. ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS EXTENDED.

SECTION 9. Section 2 of S.L. 2001-253, as amended by Section 3 of S.L. 2001-322, reads as rewritten:

"**SECTION 2.** Notwithstanding G.S. 97-26, payment for medical treatment and services rendered to workers' compensation patients by a hospital on or after July 1, 2001, and before ~~September 1, 2001~~, ~~September 15, 2001~~, shall be equal to the payment the hospital would have received for such treatment and services on June 30, 2001."

PART X. COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENT AND COMMUNITY COLLEGE AND UNIVERSITY TUITION INCREASES.

SECTION 10.(a) Beginning with the Fall 2001 academic semester, the State Board of Community Colleges shall increase the tuition charged to students enrolled in curriculum programs by three dollars and fifty cents (\$3.50) per student credit hour up to 16 credit hours per semester.

SECTION 10.(b) There is appropriated from tuition receipts received by the Community Colleges System Office pursuant to subsection (a) of this section to the Community Colleges System Office the sum of ten million dollars (\$10,000,000) for the 2001-2002 fiscal year to fully fund enrollment.

SECTION 10.(c) Beginning with the Fall 2001 academic semester, the Board of Governors of The University of North Carolina shall increase tuition for all students by nine percent (9%) per year above the rates charged for the 2000-2001 academic year. In addition, the differentials for graduate and professional schools adopted by the Board of Governors for the 2001-2002 academic year shall remain in effect. The campus-initiated tuition increases approved by the Board of Governors for the 2001-2002 academic year shall also remain in effect. The receipts in this subsection are appropriated for the purpose of funding regular term and distance education enrollment, including the enrollment hold harmless as requested by the Board of Governors as provided in subsection (e) of this section.

SECTION 10.(d) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of nine million six hundred seventy-two thousand one hundred six dollars (\$9,672,106) for the 2001-2002 fiscal year for the purpose of fully funding regular term and distance education enrollment, including the enrollment hold harmless as requested by the Board of Governors.

SECTION 10.(e) Of the funds and receipts appropriated by this section, the Board of Governors may expend up to forty million five hundred thirty-six thousand nine hundred sixty-three dollars (\$40,536,963) for the purpose of funding enrollment.

SECTION 10.(f) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of three million two hundred twenty-six thousand two hundred ten dollars (\$3,226,210) for the 2001-2002 fiscal year to be allocated to the University Board of Governors Related Educational Programs to be used to provide funds for the Legislative Tuition Grant program and the State Contractual Scholarship program enrollment increases.

PART XI. STATE EMPLOYEE HEALTH PLAN FUNDING.

SECTION 11.(a) There is appropriated from the General Fund to the Reserve for State Health Plan the sum of one hundred fourteen million dollars (\$114,000,000) for the 2001-2002 fiscal year.

SECTION 11.(b) There is appropriated from the Highway Fund to the Reserve for State Health Plan the sum of seven million dollars (\$7,000,000) for the 2001-2002 fiscal year.

PART XII. BOND DEBT SERVICE.

SECTION 12. There is appropriated from the General Fund to the Department of State Treasurer the sum of twelve million three hundred thousand dollars (\$12,300,000) for the 2001-2002 fiscal year to pay the debt service for bonds.

PART XIII. PROJECT COLLECT TAX.

SECTION 13. There is appropriated from the General Fund to the Department of Revenue the sum of one million nine hundred forty-seven thousand three hundred twenty-three dollars (\$1,947,323) for the 2001-2002 fiscal year to implement Project Collect Tax. These funds shall be used to fill 39 personnel positions, effective October 1, 2001.

PART XIV. REPLACE OPTICAL IMAGING SYSTEM IN RETIREMENT SYSTEMS DIVISION.

SECTION 14. There is appropriated to the Department of State Treasurer departmental receipts in the amount of two million four hundred sixty-five thousand dollars (\$2,465,000) for the 2001-2002 fiscal year to replace the optical imaging system used by the Retirement Systems Division.

PART XV. IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS.

SECTION 15.(a) There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of eight million sixty-two thousand six hundred three dollars (\$8,062,603) for the 2001-2002 fiscal year. These funds shall be used to provide the State's lowest-performing elementary schools with the tools needed to dramatically improve student achievement.

These funds shall be used to reduce class size at the 37 elementary schools at which, for the 1999-2000 school year, over eighty percent (80%) of the students qualified for free or reduced-price lunches and no more than fifty-five percent (55%) of the students performed at or above grade level. For the 2001-2002 school year, class size at each of these schools shall be reduced to ensure that no class in kindergarten through third grade has more than 15 students. No funds from the teacher assistant allotment category may be allotted to the local school administrative units for students assigned to these schools. Any teacher assistants displaced from jobs in these highest priority elementary schools shall be given preferential consideration for vacant teacher assistant positions at other schools in the local school administrative unit, provided their job performance has been satisfactory. Nothing in this section prevents the local school administrative unit from placing teacher assistants in these schools.

SECTION 15.(b) In order for the high priority schools identified in subsection (a) of this section to remain eligible for the additional resources provided in this section, the schools must meet the expected growth for each year and must achieve high growth for at least two out of three years, based on the State Board of Education's annual performance standards set for each school. No adjustment in the allotment of resources based on performance shall be made until the 2004-2005 school year.

SECTION 15.(c) All teaching positions allotted for students in high priority schools in those grades targeted for smaller class sizes shall be assigned to and teach in those grades and in those schools. In grades K-3 in high priority schools the maximum class size for the 2001-2002 school year shall be no more than two students above the allotment ratio in that grade. The maximum class size for subsequent school years shall be no more than one student above the allotment ratio in that grade. The Department of Public Instruction shall monitor class sizes at these schools at the end of the fourth month of school and report to the State Board of Education on the actual class sizes in these schools.

If the local school administrative unit notifies the State Board of Education that they do not have sufficient resources to adhere to the maximum class size requirements, the State Board of Education may allocate additional teaching positions to the unit from the Reserve for Average Daily Membership Adjustments.

PART XVI. REDUCE KINDERGARTEN CLASS SIZE.

SECTION 16. There is appropriated from the General Fund to the State Aid to Local School Administrative Units the sum of twelve million forty-five thousand one hundred seventy-nine dollars (\$12,045,179) for the 2001-2002 fiscal year to reduce the class-size allotment in kindergarten to one teacher for every 19 students. The maximum class size limits for kindergarten established by the State Board of Education for the 2001-2002 school year shall be reduced by one. Local school administrative units shall use teacher positions allocated to reduce class size in kindergarten only to hire classroom teachers for kindergarten.

PART XVII. REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR INTANGIBLES TAX REPEAL DELAYED.

SECTION 17. Notwithstanding G.S. 105-275.2, the Secretary of Revenue shall not make any distributions to local governments pursuant to that statute for the 2001-2002 fiscal year before the date the Current Operations and Capital Improvements Appropriations Act of 2001 becomes law.

PART XVIII. EFFECTIVE DATE.

SECTION 18. This act is effective when it becomes law.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Lee, the Conference Report is adopted (22-12). The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
August 29, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on S.B. 61, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, AND FOR KINDERGARTEN CLASS SIZE REDUCTION, FOR HIRING REVENUE PERSONNEL FOR PROJECT COLLECT TAX; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO

August 30, 2001

PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report, the bill is ordered enrolled and sent to the Governor by special message.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 61, AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, AND FOR KINDERGARTEN CLASS SIZE REDUCTION, FOR HIRING REVENUE PERSONNEL FOR PROJECT COLLECT TAX; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX.

S.B. 119, AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES.

H.B. 1257, AN ACT TO ESTABLISH A SURFACE WATER IDENTIFICATION TRAINING AND CERTIFICATION PROGRAM AS A COMPONENT OF THE RIPARIAN BUFFER PROTECTION PROGRAM.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 882, AN ACT TO INCORPORATE THE TOWN OF DUCK, AND TO MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE LOCAL OCCUPANCY TAX AND LOCAL LAND TRANSFER TAX.

Upon motion of Senator Ballance, seconded by Senator Garwood, the Senate adjourns at 7:16 P.M. to meet tomorrow, Thursday, August 30, at 10:00 A.M.

ONE HUNDRED TWENTY-SIXTH DAY

Senate Chamber
Thursday, August 30, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, you have promised that by faith, those of us who believe in you might remove mountains!! Today, the Senators may feel like they're at the foot of a big mountain. Increase their faith until they are no longer discouraged by difficulties and problems ahead of them. When they believe that all things are possible through you, then solutions to the problems that confront them will be found! Help the Senators remove a few mountains today. Amen."

The Chair grants leaves of absence for today to Senator Ballantine, Senator Carrington, Senator Carter, Senator Martin of Pitt, Senator Metcalf, Senator Moore, Senator Reeves and Senator Thomas.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, August 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Mary Linhardt from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 882, AN ACT TO INCORPORATE THE TOWN OF DUCK, AND TO
August 30, 2001

MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE LOCAL OCCUPANCY TAX AND LOCAL LAND TRANSFER TAX. (Became law upon ratification, August 29, 2001—S.L. 2001-394.)

S.B. 61, AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, AND FOR KINDERGARTEN CLASS SIZE REDUCTION, FOR HIRING REVENUE PERSONNEL FOR PROJECT COLLECT TAX; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES FOR WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX. (Became law upon approval of the Governor, August 29, 2001—S.L. 2001-395.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM, upon third reading.

The Committee Substitute bill passes its third reading, by a three-fifths majority roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Berger, Bingham, Carpenter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Odom, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Warren, Webster, Weinstein and Wellons—37.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Berger, Bingham,

August 30, 2001

Carpenter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Odom, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Warren, Webster, Weinstein and Wellons—37.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, upon second reading.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, September 3.

H.B. 170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY MULCH-BLOWING EQUIPMENT, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Berger, Bingham, Carpenter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Odom, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Warren, Webster, Weinstein and Wellons—41.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 351 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES; TO CLARIFY THE DEFINITION OF "HEALTH CARE PROVIDER" IN THE PROMPT PAYMENT LAW; AND TO MAKE A CORRECTION IN THE DEFINITION OF "HMO".

The Senate Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 576, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE CIVIL ACTIONS OF ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION.

With unanimous consent, upon motion of Senator Hagan, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, September 4.

H.B. 189 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY RULES TO ESTABLISH ADDITIONAL EXCEPTIONS TO THE 30-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS IN CERTAIN CIRCUMSTANCES AND TO ALLOW STRUCTURAL MODIFICATIONS TO PIERS TO PREVENT OR MINIMIZE STORM DAMAGE, AND TO EXTEND THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN

IN EFFECT SO AS TO ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION ADDITIONAL TIME TO CONSULT WITH PERSONS WHO ARE INTERESTED IN OR MAY BE AFFECTED BY THE ADOPTION OF PERMANENT RULES TO REPLACE THOSE TEMPORARY RULES.

The Senate Committee Substitute bill passes its third reading (41-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 280 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS, AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION.

The Senate Committee Substitute bill passes its third reading by a three-fifths majority vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Berger, Bingham, Carpenter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Odom, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Warren, Weinstein and Wellons—40.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1431 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT DOUBLE TAXATION OF MOTOR VEHICLES WHOSE TAX YEAR CHANGES DUE TO A CHANGE IN REGISTRATION.

The Committee Substitute bill passes its third reading (41-0) and is ordered enrolled and sent to the Governor.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE

ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSURED OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (1-41).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

Upon motion of Senator Ballance, seconded by Senator Allran, the Senate adjourns at 10:26 A.M., in honor of the working men and women of America, to meet Monday, September 3, at 7:00 P.M.

ONE HUNDRED TWENTY-SEVENTH DAY

Senate Chamber
Monday, September 3, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, my departed friend, the Reverend Dr. Bob Newton, asked that this poem be read at his funeral because it has more to say about living than dying. It was his last sermon to those he left behind, and for that reason I think it's appropriate on this Labor Day.

"It goes, 'Until our last breath, let us live laughing. No sighing o'er past sins; they are forgiven. Spilled on this earth are all the joys of heaven. The wine of life, from the cup of happiness still drinking, let us live laughing.

" 'Until our last breath let us live thinking. Let us go forth still with an open mind, fresh secrets to unfold, new truth to find. Our souls undimmed, alert, no questions blinking, let us live thinking.

" 'Until our last breath, let us live working, still tackling plans unfinished, tasks undone, clean to its end, swift may our race be run. No faltering, no shirking. Let us live working.'

"On this Labor Day, let us recommit ourselves, O God, to laughing, to thinking, and to working to your glory. Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Ballance, Senator Ballantine, Senator Berger, Senator Bingham, Senator Carpenter, Senator Carrington, Senator Carter, Senator Clodfelter, Senator Cunningham, Senator Dalton, Senator Dannelly, Senator Forrester, Senator Garwood, Senator Gulley, Senator Hagan, Senator Harris, Senator Horton, Senator Hoyle, Senator Jordan, Senator Lee, Senator Martin of Pitt, Senator Metcalf, Senator Moore, Senator Odom, Senator Reeves, Senator Robinson, Senator Rucho, Senator Shaw of Cumberland, Senator Shaw of Guilford, September 3, 2001

Senator Soles, Senator Thomas, Senator Warren, Senator Webster, and Senator Weinstein.

Senator Rand announces that the Journal of Thursday, August 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CALENDAR

A bill on today's Calendar is taken up and disposed of, as follows:

S.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX.

With unanimous consent, upon motion of Senator Rand the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, September 4, upon second reading.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6763, which changes the title to read **H.B. 327** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY AND TO GIVE THE STATE TREASURER MORE INVESTMENT FLEXIBILITY WITH RETIREMENT SYSTEMS' ASSETS, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 165 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, September 4.

S.B. 646 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE

OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, AND TO MAKE IT UNLAWFUL TO RESTRAIN A DOG BY A CHAIN OR WIRE GROSSLY IN EXCESS OF THE SIZE NECESSARY TO RESTRAIN THE DOG SAFELY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Tuesday, September 4.

S.B. 866 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT AND TO REQUIRE THE JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE ACCESSIBILITY OF SERVICES PROVIDED VIA INFORMATION TECHNOLOGY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Tuesday, September 4.

H.B. 231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS.

Referred to **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
August 30, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for H.B. 1272, A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, September 3, 2001

OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES, and requests conferees.

The Speaker appoints:

Representative Tolson, and
Representative Saunders

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS,

Pursuant to the Senate having failed to concur in the House Committee Substitute for SB 199 on August 30 and Senator Wellons' motion to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Wellons, Chairman; and Senator Forrester; Senator Lucas; Senator Purcell; and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Rand, seconded by Senator Wellons, the Senate adjourns at

September 3, 2001

7:17 P.M. in honor of all working men and women in the country, to meet tomorrow, Tuesday, September 4, at 3:00 P.M.

ONE HUNDRED TWENTY-EIGHTH DAY

Senate Chamber
Tuesday, September 4, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, last night Senator Basnight offered thoughtful and well-spoken words of eulogy for former Speaker of the House, Liston Ramsey, who died Sunday. His words reminded us that public servants like Mr. Ramsey and the men and women who sit in this chamber today become legendary not because of the power they yield but because they somehow have figured out how to change the 'pecking order', how to use their important positions to empower the people whom they represent.

"When you hear words of praise coming from corporation headquarters as well as small town cafes, we realize that the torch of greatness has been passed on. There is no legacy so important. Amen."

The Chair grants leaves of absence for today to Senator Horton, Senator Martin of Pitt, and Senator Shaw of Cumberland.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, September 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 170, AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY MULCH-BLOWING EQUIPMENT.

H.B. 1431, AN ACT TO PREVENT DOUBLE TAXATION OF MOTOR VEHICLES WHOSE TAX YEAR CHANGES DUE TO A CHANGE IN REGISTRATION.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 118, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE.

September 4, 2001

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1188, AN ACT TO ALLOW PROTECTION OF VOTER RECORDS IN CASE OF DOMESTIC ABUSE PROTECTIVE ORDERS. (Became law upon approval of the Governor, August 30, 2001–S.L. 2001-396.)

H.B. 972, AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES. (Became law upon approval of the Governor, August 30, 2001–S.L. 2001-397.)

S.B. 14, AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; AND TO MAKE CONFORMING CHANGES. (Became law upon approval of the Governor, August 30, 2001–S.L. 2001-398.)

S.B. 1066, AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS. (Became law upon approval of the Governor, August 30, 2001–S.L. 2001-399.)

H.B. 844, AN ACT TO PROVIDE BALANCE IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT ELEVEN. (Became law without the approval of the Governor, September 3, 2001–S.L. 2001-400.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
September 4, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 199, A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF

September 4, 2001

PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, and requests conferees.

The Speaker appoints:

Representative Baddour, Chair;
Representative Nye,
Representative Hackney,
Representative Hurley,
Representative Justus,
Representative Sherrill, and
Representative Edwards

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS, with a favorable report.

H.B. 623, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE BUILDING COMMISSION TO AUTHORIZE ALTERNATIVE CONTRACTING METHODS FOR PUBLIC CONTRACTS BY A MAJORITY VOTE OF ITS MEMBERS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6765, which changes the title to read **H.B. 623** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS GOVERNING THE PUBLIC CONSTRUCTION LAWS TO PROVIDE FOR EFFICIENCIES AND FLEXIBILITY IN BUILDING DESIGN, CONSTRUCTION, AND PLAN REVIEW, TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE, is adopted and engrossed.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed at the end of today's Calendar.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 809, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE WAGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6764, which changes the title to read **S.B. 809** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTHERN PIEDMONT REGIONAL SOLID WASTE MANAGEMENT PILOT STUDY COMMISSION, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

S.B. 1007, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE ENVIRONMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1685, which changes the title to read **S.B. 1007** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON ALTERNATIVE ENERGY SOURCES, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 1427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE DEFINITIONS USED FOR AGRICULTURAL, HORTICULTURAL, AND FORESTRY LAND; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO CREATE A STUDY; AND TO MAKE CONFORMING CHANGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3906, which changes the title to read **H.B. 1427** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN USE VALUE DEFINITIONS; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO ESTABLISH THE USE VALUE AND LAND TAXATION STUDY COMMISSION; AND TO MAKE CONFORMING CHANGES, is adopted and engrossed.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 232 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; TO INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; TO UPDATE THE REFERENCE TO THE INTERNAL

REVENUE CODE; TO ACCELERATE PAYMENT OF WITHHOLDING TAXES; TO ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; TO AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; TO PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; TO EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; TO MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AND TO ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS, re-referred to the **Appropriations/Base Budget Committee** on August 23.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 327 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY AND TO GIVE THE STATE TREASURER MORE INVESTMENT FLEXIBILITY WITH RETIREMENT SYSTEMS' ASSETS.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, September 6.

S.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—46.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill remains on the Calendar for Wednesday, September 5, upon third reading.

H.B. 576, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE CIVIL ACTIONS OF ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION.

Senator Ballance offers Amendment No. 1 which fails of adoption (21-24).

Senator Hagan offers a motion that HB 576 be withdrawn from today's Calendar and re-referred to the **Judiciary II Committee**.

Senator Webster offers a motion that HB 576 be postponed indefinitely.

Senator Gulley offers a motion, seconded by Senator Wellons, that Senator Webster's
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motion lie upon the table, which motion prevails (29-15).

The question before the Body becomes the motion by Senator Hagan to re-refer HB 576 to the **Judiciary II Committee**.

Senator Webster offers a substitute motion, seconded by Senator Berger, that Senator Hagan's motion lie upon the table. The motion fails (13-32).

The question before the Body becomes the motion by Senator Hagan to re-refer HB 576 to the **Judiciary II Committee**.

The motion prevails (35-10) and HB 576 is withdrawn from today's Calendar and re-referred to the **Judiciary II Committee**.

H.B. 381 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, as amended on second reading.

Senator Odom offers Amendment No. 3 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1272 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

Pursuant to the message from the House of Representatives received yesterday, Monday, September 3, that the House fails to concur in the Senate Committee Substitute bill for HB 1272 and requests conferees, Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Carter, Chairman; and Senator Berger; Senator Garrou; Senator Shaw of Cumberland; and Senator Swindell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR *(continued)*

S.B. 165 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Wednesday, September 5, for concurrence, upon third reading.

S.B. 646 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, AND TO MAKE IT UNLAWFUL TO RESTRAIN A DOG BY A CHAIN OR WIRE GROSSLY IN EXCESS OF THE SIZE NECESSARY TO RESTRAIN THE DOG SAFELY, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 866 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT AND TO REQUIRE THE JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE ACCESSIBILITY OF SERVICES PROVIDED VIA INFORMATION TECHNOLOGY, for concurrence in the House Committee Substitute bill No. 2.

The Senate fails to concur in the House Committee Substitute bill No. 2 (0-47).

Senator Miller offers a motion that the Senate appoint conferees, which motion prevails.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

H.B. 164, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6766, which changes the title to read **H.B. 164** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AUTOMOBILE INSURANCE PREMIUM DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES; TO CLARIFY THE INSURANCE LAW BY PROVIDING THAT THE COMMISSIONER'S APPROVAL OR DISAPPROVAL OF A FILING IS NOT AN AGENCY DECISION WITH RESPECT TO PERSONS OTHER THAN THE FILER OR AN INTERVENOR IN THE FILING; AND TO EXTEND THE EFFECTIVE DATE FOR A LAW FACILITATING THE PURCHASE OF PERSONAL UMBRELLA INSURANCE, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 623 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS GOVERNING THE PUBLIC CONSTRUCTION LAWS TO PROVIDE FOR EFFICIENCIES AND FLEXIBILITY IN BUILDING DESIGN, CONSTRUCTION, AND PLAN REVIEW, TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, AND TO AMEND THE LAW

GOVERNING LANDSCAPE ARCHITECTURE, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (39-6) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

CONFERENCE REPORT

Senator Gulley, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 1002 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1002, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, House Committee Substitute Favorable 8/6/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Finance Committee Substitute Favorable 8/6/01, and the Senate concurs in the House Committee Substitute as amended:

on page 3, line 18, delete the term "and willfully".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 4, 2001.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
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S/ Wib Gulley, Chair	S/ Martha B. Alexander, Chair
S/ Daniel Clodfelter	S/ Martin Nesbitt
Hamilton C. Horton	S/ Larry T. Justus

The Conference Report is placed on the Calendar for Tuesday, September 11, for adoption.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 866 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT AND TO REQUIRE THE JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE ACCESSIBILITY OF SERVICES PROVIDED VIA INFORMATION TECHNOLOGY.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 and a motion by Senator Miller to appoint conferees having prevailed, Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Miller, Chairman; Senator Forrester; Senator Martin of Guilford and Senator Reeves as conferees

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on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CONFERENCE REPORT

Senator Carter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1272 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES, submit the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1272, A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES, Senate Commerce Committee Substitute Adopted 5/16/01, Fourth Edition Engrossed 8/21/01, submit the following report:

The House concurs in the Senate Commerce Committee Substitute Adopted 5/16/01, Fourth Edition Engrossed 8/21/01, with the following amendment:

On page 4, line 25, delete "July 1, 2001" and substitute "October 1, 2001".

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 4, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Charles Carter, Chair

S/ Joe P. Tolson

S/ Linda Garrou

S/ Drew P. Saunders

S/ A.B. Swindell

S/ Phil Berger

Larry Shaw

The Conference Report is placed on the Calendar for Thursday, September 6, for adoption.

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Upon motion of Senator Ballance, seconded by Senator Berger, the Senate adjourns at 4:58 P.M., in memory of former Speaker Liston Ramsey, to meet tomorrow, Wednesday, September 5, at 9:00 A.M.

ONE HUNDRED TWENTY-NINTH DAY

Senate Chamber
Wednesday, September 5, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, continue to be a vital part of all the Senate proceedings. Today we especially pray that your traveling mercies be upon the large number of people traveling today to pay respects to the Ramsey family. May the sympathies they express in word and presence be warm and comforting and may they learn from the experience how to express care for one another better. Amen."

The Chair grants leaves of absence for today to Senator Gulley, Senator Horton, Senator Kinnaird, Senator Lee, Senator Martin of Pitt, Senator Odom and Senator Plyler.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, September 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 118, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE. (Became law upon ratification, September 4, 2001—S.L. 2001-401.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 34, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Bingham, Carpenter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood,

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Hagan, Harris, Hartsell, Hoyle, Kerr, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Purcell, Rand, Reeves, Robinson, Rucho, Soles, Swindell, Thomas, Weinstein and Wellons—34.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 164 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AUTOMOBILE INSURANCE PREMIUM DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES; TO CLARIFY THE INSURANCE LAW BY PROVIDING THAT THE COMMISSIONER'S APPROVAL OR DISAPPROVAL OF A FILING IS NOT AN AGENCY DECISION WITH RESPECT TO PERSONS OTHER THAN THE FILER OR AN INTERVENOR IN THE FILING; AND TO EXTEND THE EFFECTIVE DATE FOR A LAW FACILITATING THE PURCHASE OF PERSONAL UMBRELLA INSURANCE.

The Senate Committee Substitute bill passes its second (38-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, September 6.

S.B. 165 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, for concurrence, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Bingham, Carpenter, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Kerr, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—38.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

Upon motion of Senator Ballance, seconded by Senator Rucho, the Senate adjourns subject to receipt of committee reports, to meet tomorrow, Thursday, September 6, at 10:00 A.M.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 1362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
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ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Kerr for the **Finance Committee**:

S.B. 181, A BILL TO BE ENTITLED AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4636 is adopted and engrossed.

H.B. 232 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; TO INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; TO ACCELERATE PAYMENT OF WITHHOLDING TAXES; TO ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; TO AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; TO PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; TO EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; TO MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AND TO ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 3908, which changes the title to read **H.B. 232** (Senate Committee Substitute No. 2), AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; AND TO ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS, is adopted and engrossed.

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

H.B. 943, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DISCONTINUED MEMBERSHIP SERVICE ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6729, which

changes the title to read **H.B. 943** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DISCONTINUED SERVICE RETIREMENT ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is adopted and engrossed.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 9:19 A.M.

ONE HUNDRED THIRTIETH DAY

Senate Chamber
Thursday, September 6, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Creator God, five years ago today the Capital City lay eerily quiet, without power, trees down, homes and lives devastated by Hurricane Fran. Since then, your creation has howled and groaned as hurricanes have continued to hammer the people of our State.

"Out of compassion, with emergency funds, these legislators responded to the urgent needs of the people whose lives were forever changed. Show that same compassion, O God, on the current budget negotiations so that decisions can be made with the same kind of unanimity of purpose and spirit that these same men and women showed during those times of crisis. Amen."

The Chair grants leaves of absence for today to Senator Gulley, Senator Horton, Senator Martin of Pitt, Senator Purcell and Senator Rucho.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, September 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 327 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY AND TO GIVE THE STATE TREASURER MORE INVESTMENT FLEXIBILITY WITH RETIREMENT SYSTEMS' ASSETS.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, September 11.

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 247 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DEFER THE ISSUANCE OF THE CLEAN WATER BONDS, NATURAL GAS BONDS, AND PUBLIC SCHOOL BUILDING BONDS UNTIL AFTER JANUARY 1, 2002, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, September 10.

H.B. 1388 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS.

Referred to **Finance Committee**.

H.B. 1439 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF WATER AND SEWER AUTHORITIES IN CERTAIN URBAN COUNTIES AND TO INCREASE THE MAXIMUM ANNUAL PER DIEM OF MEMBERS OF WATER AND SEWER AUTHORITIES.

Referred to **Finance Committee**.

CONFERENCE REPORT

Senator Swindell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 355 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

September 6, 2001

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 355, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS, Senate Commerce Committee Substitute Adopted 7/18/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Commerce Committee Substitute Adopted 7/18/01, and the House concurs in the Senate Committee Substitute as amended:

on page 7, line 5, insert the following sentence at the end of the line:

"Section 2.3 of this act expires June 30, 2002.";

and on page 4, lines 39-41, rewrite the lines to read:

"and the standards adopted by the Commissioner of Insurance under G.S. 143-143.15 (a)."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 6, 2001.

Conferees for the Senate

S/ A. B. Swindell, IV, Chair
S/ Anthony E. Rand
S/ Stephen M. Metcalf
S/ Robert G. Shaw

Conferees for the House of Representatives

S/ John W. Hurley, Chair
S/ Jerry C. Dockham
S/ Constance K. Wilson
S/ Daniel T. Blue, Jr.
S/ Ronald L. Smith

The Conference Report is placed on the Calendar for Monday, September 10, for adoption.

CALENDAR *(continued)*

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY, upon second reading.

September 6, 2001

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, September 10, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 165, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES

S.B. 646, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, AND TO MAKE IT UNLAWFUL TO RESTRAIN A DOG BY A CHAIN OR WIRE GROSSLY IN EXCESS OF THE SIZE NECESSARY TO RESTRAIN THE DOG SAFELY.

H.B. 115, AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS AND CONFLICTS OF INTEREST.

H.B. 226, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO ACQUIRE REAL PROPERTY AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE.

H.B. 435, AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE GOVERNOR MOREHEAD SCHOOL.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 715, AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG COUNTY, TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION, AND TO MODIFY THE MEMBERSHIP OF THE CHARLOTTE COLISEUM AUTHORITY.

CALENDAR *(continued)*

H.B. 232 (Senate Committee Substitute No. 2), AN ACT TO SET THE INSURANCE

September 6, 2001

REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; AND TO ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS.

With unanimous consent, upon motion of Senator Kerr, the Senate Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, September 11, upon second reading.

H.B. 943 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DISCONTINUED MEMBERSHIP SERVICE ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The Senate Committee Substitute bill passes its second reading (45-0).

Senator Harris objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, September 10.

The Chair grants a leave of absence for the remainder of today's session to Senator Dalton.

H.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS.

With unanimous consent, upon motion of Senator Soles, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

H.B. 1272 (Conference Report), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES, Conference Report, for adoption.

The Senate adopts the Conference Report (44-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives

September 6, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute #2 for SB 866, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT AND TO REQUIRE THE JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE ACCESSIBILITY OF SERVICES PROVIDED VIA INFORMATION TECHNOLOGY, and requests conferees,

The Speaker appoints:

Representative Goodwin,
Representative Insko,
Representative Michaux, and
Representative Russell

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
September 6, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on HB 1272, A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
September 6, 2001

Madame President:

September 6, 2001

It is ordered that a message be sent your Honorable Body with the information that Representative Wright have been added as a conferee to House Committee Substitute for SB 199, A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS.

Respectfully,
S/ Denise Weeks
Principal Clerk

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Ballance, the remarks of Senator Basnight who rises to a point of personal privilege, are spread upon the Journal, as follows:

Senator Basnight:

"Let me say at this time yesterday myself and the Western delegation represented the North Carolina Senate at the services for Speaker Liston Ramsey in his hometown. It was a very touching service, one that you would expect that it would be such as he would wish. It was very simple. It would remind you that you live in a community of people who believe in what and the kind of life one should lead. People with simple means as well as judges and governors, a sprinkling of us, were there. But most especially what was awfully touching was those that he lived with, the people who had come to pay homage to a great man. There was a song that was to be sung and the young lady did not know the song, Senator Carter. She just simply said she didn't. She sang a different song. Zeb Alley spoke of what he could speak of, as he said, of the man he knew so well. The people who attended the services are the kind of people that make this State so special and so great. So Senator Ballance, after announcements, when we adjourn today, if you would do so on behalf of every member of this Senate in honor and respect to a great North Carolinian who cared about everyone regardless of their station in life."

APPOINTMENT OF ADDITIONAL CONFEREE

S.B. 866 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT AND TO REQUIRE THE JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE ACCESSIBILITY OF SERVICES PROVIDED VIA INFORMATION TECHNOLOGY.

Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Kinnaird as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Ballance, seconded by Senator Webster, the Senate adjourns at 11:00 A.M. in honor and respect of former Speaker of the House, The Honorable Liston Ramsey, to meet Monday, September 10, at 7:00 P.M.

ONE HUNDRED THIRTY-FIRST DAY

Senate Chamber
Monday, September 10, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, at the beginning of another week in the Senate, strengthen your servants against attitudes which might alienate. However difficult the process has been under the pressure of this long session, let the communication of understanding triumph over a war of words. Let respect win victory over one upmanship. Let resolution take place over disharmony.

"We also remember tonight Senator Charles Carter who was seriously injured in an accident over the weekend. We pray that you touch him with your healing power as only you can do. In your holy name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Ballance, Senator Carrington, Senator Carter, Senator Dalton, Senator Forrester, Senator Hoyle, Senator Jordan, Senator Martin of Pitt, Senator Moore, Senator Warren and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, September 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Kaye Miller from Statesville, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 715, AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG COUNTY, TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION, AND TO MODIFY THE MEMBERSHIP OF THE CHARLOTTE COLISEUM AUTHORITY. (Became law upon ratification, September 6, 2001–S.L. 2001-402.)

S.B. 119, AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES. (Became law upon approval of the Governor, September 6, 2001–S.L. 2001-403.)

H.B. 1257, AN ACT TO ESTABLISH A SURFACE WATER IDENTIFICATION TRAINING AND CERTIFICATION PROGRAM AS A COMPONENT OF THE RIPARIAN BUFFER PROTECTION PROGRAM. (Became law upon approval of the Governor, September 6, 2001–S.L. 2001-404.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 904, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR MISDEMEANOR CHILD ABUSE TO A CLASS A1 MISDEMEANOR SO THAT IT IS THE SAME AS THE PENALTY FOR ASSAULT ON AN ADULT, with a favorable report.

S.B. 1054, A BILL TO BE ENTITLED AN ACT TO PHASE IN A VOLUNTARY PROGRAM THAT GIVES CANDIDATES FOR CERTAIN ELECTIVE OFFICES THE OPTION OF CHOOSING TO FINANCE THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY FUND-RAISING AND SPENDING LIMITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3911, which changes the title to read **S.B. 1054** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES AND TO ESTABLISH A FAIR ELECTIONS FUND THAT PROVIDES CANDIDATES FOR THESE OFFICES WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Purcell for the **Health Care Committee**:

H.B. 1147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT A HOSPITAL TO TEMPORARILY INCREASE ITS BED CAPACITY AFTER NOTIFYING THE DIVISION OF FACILITY SERVICES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

September 10, 2001

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3907, which changes the title to read **H.B. 1147** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT A HOSPITAL TO TEMPORARILY INCREASE ITS BED CAPACITY AFTER NOTIFYING THE DIVISION OF FACILITY SERVICES AND TO DIRECT THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY RULES FOR THE LICENSING OF NEONATAL CARE BEDS, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 790 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK ISSUED BY AN AGRICULTURAL CREDIT ASSOCIATION OR IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LICENSED MORTGAGE BANKER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, September 11.

S.B. 470 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, September 18.

S.B. 241 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, September 11.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Clodfelter, Cunningham, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—38.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 943 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DISCONTINUED SERVICE RETIREMENT ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

With unanimous consent, upon motion of Senator Harris, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Monday, September 17.

S.B. 247 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DEFER THE ISSUANCE OF THE CLEAN WATER BONDS, NATURAL GAS BONDS, AND PUBLIC SCHOOL BUILDING BONDS UNTIL AFTER JANUARY 1, 2002, for concurrence in the House Committee Substitute bill.

The President rules that the House Committee Substitute bill does not require a call of the roll upon concurrence.

The Senate concurs in the House Committee Substitute bill (38-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 355 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO

AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS.

Upon motion of Senator Swindell, the Senate adopts the Conference Report (39-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

WITHDRAWAL FROM COMMITTEE

S.B. 35, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR MECKLENBURG COUNTY, referred to the **Rules and Operations of the Senate Committee** on February 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

INTRODUCTION OF A RESOLUTION

Senator Rand offers a motion that Rule 40 be suspended to allow the introduction of the following resolution, which motion prevails without objection.

By Senator Rand:

S.R. 1104, A SENATE RESOLUTION HONORING THE NORTH CAROLINIANS WHO SIGNED THE UNITED STATES CONSTITUTION AND RECOGNIZING SEPTEMBER 17-23, 2001, AS CONSTITUTION WEEK IN THIS STATE.

Referred to **Rules and Operations of the Senate Committee**.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 7:22 P.M. in honor of Senator Charles Carter who was injured in an accident, to meet tomorrow, Tuesday, September 11, at 3:00 P.M.

ONE HUNDRED THIRTY-SECOND DAY

Senate Chamber
Tuesday, September 11, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, on a day when our Nation has been under terrorist attack and untold numbers have died, we turn to the words of the Psalmist. He speaks to us on such a day of tragedy because so long ago he spoke for us in this, his lament to you:

"From Psalm 83, 'O God, do not keep silence; do not hold your peace or be still, O God! Even now your enemies are in tumult; those who hate you have raised their heads. They lay crafty plans against your people; they consult together against those you protect. They say, 'Come, let us wipe them out as a nation; so that their name will be remembered no more. O my God, make them like whirling dust, like chaff before the wind. As fire

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consumes the forest, as the flame sets the mountains ablaze, so pursue them with your tempest. Fill their faces with shame, so that they may seek your name, O Lord. Let them be put to shame and dismayed forever; let them perish in disgrace. Let them know that you alone, whose name is the Lord, are the Most High over all the earth.'

"O God, we pray for a world at peace but today understand and respond to our righteous anger, even our desire for retribution, our great sorrow. O God, comfort, comfort your people. Amen."

The Chair grants leaves of absence for today to Senator Carter, Senator Harris, Senator Hoyle and Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, September 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Mary Alice Linhardt from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 247, AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DEFER THE ISSUANCE OF THE CLEAN WATER BONDS, NATURAL GAS BONDS, AND PUBLIC SCHOOL BUILDING BONDS UNTIL AFTER JANUARY 1, 2002.

H.B. 351, AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES; TO CLARIFY THE DEFINITION OF "HEALTH CARE PROVIDER" IN THE PROMPT PAYMENT LAW; AND TO MAKE A CORRECTION IN THE DEFINITION OF "HMO".

H.B. 1272, AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 232 (Senate Committee Substitute No. 2), AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF
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WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; AND TO ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS, upon second reading.

Senator Kerr offers Amendment No. 1 which is adopted (45-1) and changes the title to read **H.B. 232** (Senate Committee Substitute No. 2), AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; AND ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS.

Senator Kerr offers Amendment No. 2 which is adopted (45-1) and changes the title to read **H.B. 232** (Senate Committee Substitute No. 2), AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; AND ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS; AND ACCELERATE PAYMENT OF THE REVENUE GENERATED BY THE STATE EXCISE TAX ON CONVEYANCES TO THE STATE.

Senator Odom offers Amendment No. 3 which is adopted (37-9) and changes the title to read **H.B. 232** (Senate Committee Substitute No. 2), AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY

DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS; AND ACCELERATE PAYMENT OF THE REVENUE GENERATED BY THE STATE EXCISE TAX ON CONVEYANCES TO THE STATE; AND EXEMPT PRISONS LOCATED ON LAND OWNED BY THE STATE AND BUILT PURSUANT TO A CONTRACT WITH THE STATE FROM PROPERTY TAX.

Senator Albertson offers Amendment No. 4 which is adopted (46-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 31, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—31.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Moore, Rucho, Shaw of Guilford and Webster—15.

The Senate Committee Substitute bill No. 2, as amended, remains on the Calendar for tomorrow, Wednesday, September 12, upon third reading.

The President extends the privileges of the floor to Attorney General Roy Cooper, former Senator from Nash County.

H.B. 327 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY AND TO GIVE THE STATE TREASURER MORE INVESTMENT FLEXIBILITY WITH RETIREMENT SYSTEMS' ASSETS.

With unanimous consent, upon motion of Senator Kerr, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, September 18.

The Chair grants a leave of absence for the remainder of today's session to Senator Jordan.

H.B. 904, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR MISDEMEANOR CHILD ABUSE TO A CLASS A1 MISDEMEANOR SO THAT IT IS THE SAME AS THE PENALTY FOR ASSAULT ON AN ADULT.

Senator Horton offers Amendment No. 1.

Senator Cunningham offers Amendment No. 2 as a substitute for Amendment No. 1.

The President relinquishes the gavel to Senator Ballance, Deputy President Pro Tempore who presides in the absence of the Lieutenant Governor.

Senator Rand offers a motion that the bill be withdrawn from today's Calendar and re-referred to the Judiciary I Committee with Amendment No. 1 and Amendment No. 2 pending, which motion prevails (44-1).

The bill, with Amendments No. 1 and No. 2 pending, is ordered re-referred to the Judiciary I Committee.

H.B. 1147 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT A HOSPITAL TO TEMPORARILY INCREASE ITS BED CAPACITY
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AFTER NOTIFYING THE DIVISION OF FACILITY SERVICES AND TO DIRECT THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY RULES FOR THE LICENSING OF NEONATAL CARE BEDS.

Senator Rand offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 241 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 790 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK ISSUED BY AN AGRICULTURAL CREDIT ASSOCIATION OR IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LICENSED MORTGAGE BANKER, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1002 (Conference Report), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS.

Upon motion of Senator Gulley, the Senate adopts the Conference Report (43-2).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
September 11, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on S.B. 1002, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
Denise G. Weeks
Principal Clerk

September 11, 2001

Pursuant to the Senate having adopted the Conference Report for SB 1002 earlier today, the Deputy President *Pro Tempore* orders the bill enrolled and sent to the Governor.

House of Representatives
September 11, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on HB 355, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

WITHDRAWALS FROM COMMITTEES

H.B. 917, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, referred to the **State and Local Government Committee** on April 25.

Pursuant to Rule 47(a), Senator Robinson offers a motion that the bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State and Local Government Committee** and re-refers the measure to the **Finance Committee**.

S.J.R. 1102, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WINGATE ON THE TOWN'S 100TH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on June 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be
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withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for tomorrow, Wednesday, September 12, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for tomorrow, Wednesday, September 12.

Upon motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns at 5:00 P.M. in honor, respect, and concern for people who have been affected by the tragedy in America today, to meet tomorrow, Wednesday, September 12, at 3:00 P.M.

ONE HUNDRED THIRTY-THIRD DAY

Senate Chamber
Wednesday, September 12, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Nancy J. Allison, Associate Rector of Christ Episcopal Church, Raleigh, North Carolina, as follows:

"Almighty God, you are our strong tower of strength, you are our very present help in trouble. Look with compassion, we pray, upon our country now involved in conflict and assaulted by terrorists. Let not the hearts of our people quail before those who hope to inflict fear upon us, but sustain, comfort and strengthen us until these calamities are resolved and our enemies brought to justice. Guide us, by your spirit, to a just, righteous, and measured response. Heal the hurt and wounded, console the bereaved and afflicted, protect the innocent and helpless, and deliver any who are still in peril. Give wisdom to the President of the United States and his counselors, skill and determination to those involved in the emergency and intelligence services of this country; courage and endurance to the men and women of the armed forces and all who guard our shores. And to the officials of this state of North Carolina and to the members of this honorable Senate give the grace to do their duty in all things. Confessing that it is your goodness alone which keeps and preserves us, we make our prayer in the name of the God who creates, redeems, and saves us all. Amen."

Beth Walters, a staff member in the General Assembly Financial Services Division, sings the "National Anthem" and "God Bless America."

The Chair grants leaves of absence for today to Senator Berger, Senator Carter, Senator Garwood, Senator Hoyle, Senator Jordan, Senator Martin of Pitt, Senator Shaw of Cumberland and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, September 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 241, AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP.

S.B. 790, AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK ISSUED BY AN AGRICULTURAL CREDIT ASSOCIATION OR IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LICENSED MORTGAGE BANKER.

S.B. 1002, AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS.

H.B. 189, AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY RULES TO ESTABLISH ADDITIONAL EXCEPTIONS TO THE 30-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS IN CERTAIN CIRCUMSTANCES AND TO ALLOW STRUCTURAL MODIFICATIONS TO PIERS TO PREVENT OR MINIMIZE STORM DAMAGE, AND TO EXTEND THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT SO AS TO ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION ADDITIONAL TIME TO CONSULT WITH PERSONS WHO ARE INTERESTED IN OR MAY BE AFFECTED BY THE ADOPTION OF PERMANENT RULES TO REPLACE THOSE TEMPORARY RULES.

H.B. 355, AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS.

CALENDAR

A bill and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 232 (Senate Committee Substitute No. 2), AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; AND TO ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS, upon third reading, as amended on second reading.

Senator Albertson announces a pair vote. If Senator Webster were present, he would vote "no"; Senator Albertson votes "aye".

The Senate Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 35, noes 7, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—35.

Voting in the negative: Senators Allran, Ballantine, Forrester, Foxx, Hartsell, Moore and Rucho—7.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

S.J.R. 1102, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WINGATE ON THE TOWN'S 100TH ANNIVERSARY.

With unanimous consent, upon motion of Senator Plyler, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the members are spread upon the Journal, as follows:

Senator Plyler:

"Thank you, Madame Chairman and members of the Senate. It is certainly a pleasure for me to stand here today and recommend this joint resolution honoring the founders of the Town of Wingate, North Carolina. Wingate is not a real large town but it is a very important town not only to Union County and the surrounding counties but to the entire State of North Carolina and also South Carolina because we're right on the border of South Carolina. Wingate is a unique town. It has one of the largest private universities in North Carolina there. That university was founded, as it was stated in the resolution, as a school. I can recall when I was growing up, Dr. C. C. Burris was the President. Then after it went from a school to Wingate College, they had a fellow by the name of R. A. Hudson who was a minister and he worked very hard to see that funds were secure in order to operate Wingate College and educate the young people that needed a college education who would come there from surrounding areas and sometimes as far as Cuba. Back in those

days before the problems with Cuba a lot of Cubans did attend Wingate College. I can recall when Reverend Hudson and Dr. C. C. Burris didn't have the money to pay the school teachers that were teaching these students and they would come to different people in the community and get them to donate, sometimes week by week, enough money to pay the teachers their salaries. That included people like Mr. Robert O. Helms along with my dad and many other people in Union County. Now Wingate is proud to say that it has one of the best universities anywhere, being a four-year university with about 1400 or 1500 students. We also are proud that we have a new landmark there. It's an old landmark but a new facility to be built in honor of our Senator Jesse Helms, and it is named the Jesse Helms Center. All the people that the reading clerk read had visited there from around the world was because Jesse would bring them there for seminars at Wingate. So since Jesse is retiring I am sure that all of his papers and all that he has accumulated over the years will be stored there and it will be an interesting place to visit. You heard him say Ames Turnout. Well, that was the first name that was given to Wingate many, many years ago. But people still refer to it now as Ames Turnout -- a lot of people do. There was an industry there called Ma-Leck Industries which, the first thing that they built back in the '40's was what they call Billy Boy Health Swing and they advertised it on TV, and very few people had TV but they went from that and building all type of wood products and it was a very successful business for many, many years. Another thing Wingate had, not in the city limits, but instead of the sheriff's office and the jailhouse being located in Monroe it is located right in the city limits of Wingate. Some people like it there and some people don't because they have to transfer prisoners a good long way to the courthouse in Monroe. But I'd say that the Town Council, the Mayor and the Commissioners and the Manager of Wingate have done an outstanding job of seeing that Wingate not only keeps their streets in good condition, keeps their homes in good condition and all the businesses. They just do an excellent job in seeing that is done. I am proud to represent Wingate very, very much and at the proper time, Madame Chairman, I would like for you to recognize the leaders of Wingate and the Mayor and also I'd like to say that I urge each and every one of you to support this resolution because it is an important town to the State of North Carolina. Thank you very much."

Senator Purcell:

"Thank you, Madame President. Ladies and gentlemen of the Senate, Senator Plyler mentioned President Burris of Wingate College. I did not know President Burris but I knew his son and got to know his son and his wife very well, and his grandson. When we were down at the beach with his son and his wife and family one time many years ago, his son was three years old and my son was three years old and I never will forget they went in a bedroom and locked the bedroom door. They went in a closet and locked the closet door. They're both in there screaming and we had two locked doors to get through but it was quite a task to get those two little kids out of the closet in the bedroom. Wingate is a wonderful little town. It's a great college community and I certainly commend this resolution to you."

Senator Ballantine:

"Senator Plyler, I read your resolution and I see the last paragraph of Page 1 mentions all these well-known visitors and I don't know about General Patton, but I do know for a fact that Secretary of State Madeline Albright, UN Secretary Kofi Annon, Joint Chiefs of Staff Hugh Shelton, Prime Minister Margaret Thatcher, and the Dalai Llama were all there because Senator Helms invited them and I was wondering, even though you mentioned Senator Helms in your, or briefly mentioned him in your remarks, why the Senator is not included in this resolution, and why was the Jesse Helms Center, which I think is a very big part of the town of Wingate. I was actually there when Great Britain's Prime Minister,

Margaret Thatcher, dedicated the building, so I'm just wondering if you would accept an amendment to this resolution to speak to that."

Senator Plyler:

"Senator Ballantine, I certainly would accept an amendment although I've never heard of a resolution being amended, and it was not an intentional thing to leave Jesse Helms' name out because he graduated from Wingate and he is a native of Union County, born and raised there and we're proud to call him a native."

Senator Ballantine:

"I know you were."

Senator Plyler:

"And the reason, not the reason of Jesse Helms, that these people were there but it was Wingate University. That was the reason these people were there and Jesse was the one that was appointed to get them there. So if you have an amendment and want to put his name in it..."

Senator Ballantine:

"Well I appreciate that. Thank you, Senator Plyler. Actually, it is not unprecedented. Senator Rand amended a resolution this year regarding the 82nd Airborne. I think he amended that. So it's not unprecedented. I would not have risen to break protocol but since it has been done before this session I just think it would be highly appropriate to include somewhere in this resolution at least one provision honoring Senator Helms or the Helms Center. I don't have an amendment prepared but I just thought I'd mention that to you, Senator Plyler."

Senator Plyler:

"He doesn't have an amendment prepared but the record will show that this discussion took place and we certainly did not omit it intentionally in any way. The resolution was presented and it was, just his name wasn't mentioned. We'll let it go at that."

The joint resolution passes its second reading (43-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

With unanimous consent, upon motion of Senator Plyler and Senator Purcell, the President extends the courtesies of the gallery to Tony Maye, Mayor of Wingate; Nathel Hailey, Linda Isner and John Mangum, Commissioners; and to Dryw Blanchard, Town Administrator.

WITHDRAWAL FROM CLERK'S OFFICE

H.B. 1269, A BILL TO BE ENTITLED AN ACT REGARDING AIRPORT FEES AND CHARGE FOR RENTAL CARS, ordered held in the Office of the Principal Clerk on April 30, pending referral to committee.

Senator Rand, Chairman of the **Rules and Operations of the Senate Committee**, announces the referral of the bill to the **Rules and Operations of the Senate Committee**.

Upon motion of Senator Basnight, seconded by Senator Forrester, the Senate adjourns subject to ratification of bills, to meet tomorrow, Thursday, September 13, at 10:00 A.M.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1147, AN ACT TO PERMIT A HOSPITAL TO TEMPORARILY INCREASE ITS BED CAPACITY AFTER NOTIFYING THE DIVISION OF FACILITY SERVICES; PERTAINING TO HOSPITAL PAYMENTS FOR TREATMENT AND SERVICES RENDERED TO WORKERS' COMPENSATION PATIENTS; AND TO DIRECT THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY RULES FOR THE LICENSING OF NEONATAL CARE BEDS.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:39 P.M.

ONE HUNDRED THIRTY-FOURTH DAY

Senate Chamber
Thursday, September 13, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, the words 'It's given me a new perspective,' have been echoed by so many people as a result of the devastating events of this week. What a 'new perspective' really means is that we realize thousands of people tragically have been killed, yet we are still alive. Though we were nowhere near New York, Washington, or Pittsburgh, somehow the rest of us have been given a second chance.

"Now that we have received such a revelation help us make the most of it. The Senators' opportunity to do so is multiplied exponentially because what they have been called to do can make a difference in so many lives. Reaffirm them, O God, in their efforts. Amen."

The Chair grants leaves of absence for today to Senator Berger, Senator Carter, Senator Cunningham, Senator Dalton, Senator Garwood, Senator Jordan, Senator Lee, Senator Martin of Pitt, Senator Odom, Senator Plyler and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, September 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 164, AN ACT TO AUTHORIZE AUTOMOBILE INSURANCE PREMIUM
September 13, 2001

DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES; TO CLARIFY THE INSURANCE LAW BY PROVIDING THAT THE COMMISSIONER'S APPROVAL OR DISAPPROVAL OF A FILING IS NOT AN AGENCY DECISION WITH RESPECT TO PERSONS OTHER THAN THE FILER OR AN INTERVENOR IN THE FILING; AND TO EXTEND THE EFFECTIVE DATE FOR A LAW FACILITATING THE PURCHASE OF PERSONAL UMBRELLA INSURANCE.

And the following bill and resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 719, AN ACT EXEMPTING THE TOWN OF MAYODAN FROM CERTAIN STATUTORY REQUIREMENTS CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF SOME OR ALL OF CERTAIN DESCRIBED PROPERTY.

S.J.R. 1102, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WINGATE ON THE TOWN'S 100TH ANNIVERSARY. (Res. 30)

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

S.B. 35, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR MECKLENBURG COUNTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3912, which changes the title to read **S.B. 35** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, is adopted and engrossed.

S.B. 1058, A BILL TO BE ENTITLED AN ACT TO PROVIDE CORPORATE INCOME TAX ADJUSTMENTS FOR CERTAIN TRANSACTIONS PERTAINING TO RELATED MEMBERS, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 3914, which changes the title to read **S.J.R. 1058** (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF THE REVEREND DAVID WELLS HANSLEY, A FOUNDER OF MOUNT OLIVE COLLEGE, THE ONLY CHARTERED AND ACCREDITED COLLEGE IN NORTH CAROLINA SPONSORED BY THE NORTH CAROLINA CONVENTION OF ORIGINAL FREE WILL BAPTISTS, ON THE FIFTIETH ANNIVERSARY OF ITS FOUNDING, is adopted and engrossed.

H.B. 1070 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3915, which changes the title to read **H.B. 1070** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION,

REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, TO MAKE VARIOUS CHANGES IN THE LAW OF FIDUCIARIES AND DECEDENTS' ESTATES, AND TO MAKE TECHNICAL CORRECTIONS TO HOUSE BILL 1073, SENATE BILL 815, AND SENATE BILL 842, AS ENACTED BY THE GENERAL ASSEMBLY, is adopted and engrossed.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
September 13, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 106, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, and requests conferees.

The Speaker has appointed:

Representative Goodwin,
Representative Rogers,
Representative Michaux, and
Representative Arnold

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
September 12, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 381, A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

Respectfully,
S/ Denise Weeks
Principal Clerk

September 13, 2001

CALENDAR

A bill on today's Calendar is taken up and disposed of, as follows:

H.B. 1070 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, TO MAKE VARIOUS CHANGES IN THE LAW OF FIDUCIARIES AND DECEDENTS' ESTATES, AND TO MAKE TECHNICAL CORRECTIONS TO HOUSE BILL 1073, SENATE BILL 815, AND SENATE BILL 842, AS ENACTED BY THE GENERAL ASSEMBLY, placed earlier on today's Calendar.

Senator Rand offers Amendment No. 1 which is adopted (37-0).

The Committee Substitute bill, as amended, passes its second (37-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill and Amendment No. 1.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 106 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS.

Pursuant to the message from the House of Representatives received today that the House fails to concur in the Senate Committee Substitute for HB 106 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Hartsell, Chairman; and Senator Bingham; Senator Clodfelter; Senator Garrou and Senator Gulley as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns subject to ratification of bills and in appreciation to Leroy Clark for donating the ribbons in memory of the victims of the attack on America and in honor of those searching for survivors, to meet Monday, September 17, at 7:00 P.M.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1070, AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, TO MAKE VARIOUS CHANGES IN THE LAW OF FIDUCIARIES AND DECEDENTS' ESTATES, AND TO MAKE TECHNICAL CORRECTIONS TO HOUSE BILL 1073, SENATE BILL 815, AND SENATE BILL 842, AS ENACTED BY THE GENERAL ASSEMBLY.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:57 A.M.

ONE HUNDRED THIRTY-FIFTH DAY

Senate Chamber
Monday, September 17, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, Winston Churchill said, 'One ought never to turn one's back on a threatened danger and try to run away from it. If you do that, you will double the danger. But if you meet it promptly and without flinching, you will reduce the danger by half. Never run away from anything. Never!'

"Let us take to heart and action his words as a country, in the legislation still before the Senate, in the deeply personal, silent battles that each of us face.

"Holy scripture says it this way: 'God is our hope and strength, a very present help in trouble. Therefore we will not fear though the earth be moved.' Hear our prayer and respond. Amen."

The Chair grants leaves of absence for tonight to Senator Carter, Senator Hagan, Senator Hartsell, Senator Martin of Pitt and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, September 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 719, AN ACT EXEMPTING THE TOWN OF MAYODAN FROM CERTAIN STATUTORY REQUIREMENTS CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF SOME OR ALL OF CERTAIN DESCRIBED PROPERTY. (Became law upon ratification, September 13, 2001–S.L. 2001-405.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 17 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Tuesday, September 18.

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, for concurrence in House Amendment No. 2.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a resolution which is read the first time and disposed of, as follows:

H.J.R. 1465, A JOINT RESOLUTION HONORING THE MEMORY OF THE REVEREND DAVID WELLS HANSLEY, A FOUNDER OF MOUNT OLIVE COLLEGE, THE ONLY CHARTERED AND ACCREDITED COLLEGE IN NORTH CAROLINA SPONSORED BY THE NORTH CAROLINA CONVENTION OF ORIGINAL FREE WILL BAPTISTS, ON THE FIFTIETH ANNIVERSARY OF ITS FOUNDING.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on tonight's Calendar.

WITHDRAWAL FROM COMMITTEE

H.J.R. 467 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF NEILL MCKAY ROSS, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on July 3.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on tonight's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on tonight's Calendar.

CALENDAR

Bills and resolutions on tonight's Calendar are taken up and disposed of, as follows:

S.J.R. 1058 (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF THE REVEREND DAVID WELLS HANSLEY, A FOUNDER OF MOUNT OLIVE COLLEGE, THE ONLY CHARTERED AND ACCREDITED COLLEGE IN NORTH CAROLINA SPONSORED BY THE NORTH CAROLINA CONVENTION OF ORIGINAL FREE WILL BAPTISTS, ON THE FIFTIETH ANNIVERSARY OF ITS FOUNDING.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute joint resolution is withdrawn from tonight's Calendar and is re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO VETERANS OF WORLD WAR II, THE KOREAN WAR, AND THE UNITED STATES NAVY SUBMARINE SERVICE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 8680, which changes the title to read **H.B. 110** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDOBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND BLUE RIDGE PARKWAY FOUNDATION, is adopted and engrossed.

H.B. 359 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 6769, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Wellons—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, September 18, upon third reading.

September 17, 2001

H.B. 943 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DISCONTINUED SERVICE RETIREMENT ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

With unanimous consent, upon motion of Senator Harris, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, September 19.

H.J.R. 1465, A JOINT RESOLUTION HONORING THE MEMORY OF THE REVEREND DAVID WELLS HANSLEY, A FOUNDER OF MOUNT OLIVE COLLEGE, THE ONLY CHARTERED AND ACCREDITED COLLEGE IN NORTH CAROLINA SPONSORED BY THE NORTH CAROLINA CONVENTION OF ORIGINAL FREE WILL BAPTISTS, ON THE FIFTIETH ANNIVERSARY OF ITS FOUNDING, placed earlier on tonight's Calendar.

Senator Kerr offers Amendment No. 1 which is adopted (45-0).

With unanimous consent, upon motion of Senator Kerr, the joint resolution is read in its entirety and, upon motion of Senator Basnight, the remarks of the Senators are spread upon the Journal, as follows:

Senator Kerr:

"Thank you, Madame President. Ladies and gentlemen of the Senate, Mount Olive College is the first college founded by the North Carolina Convention of Original Free Will Baptists. This goes back to a hundred years ago but after the depression and things happened they finally got another college started and I have had the honor of seeing this college grow and mature. In the back tonight, your good friend and my good friend, Dr. Burkette Raper, has the distinction of having served as the President of a four-year college in this Country longer than any other person, for forty years. He started this college with less than fifty dollars. The Wayne County School Board sold him a building, an old, abandoned school building for \$25,000 and he built a multi-million dollar, large college that serves three or four different locations, starting with less than fifty dollars. I wish Dr. Raper was in this Body. Praise the Lord! Because he's the best administrator and if he was running other schools and universities we would not have any problem, I assure you. Governor Hunt's father was the second Chancellor of the Board of Trustees at this college for over thirty years, and I think that's the only reason we got the four-lane highway from Goldsboro to Mount Olive, because it wasn't the Governor Hunt, it was the real Hunt, James Braxton Hunt, Sr. He gave his life and everything for this college and his present wife, I think, worked there at the college after he lost his first wife and she is a very integral part of this college. Most people who worked in this college including other people that you will recognize, the son who is Reverend David Charles Hansley and the grandson and the great-granddaughter of the person, Dr. Hansley, who's also being honored. These people all live a long time, too, and it makes you feel good. I am amazed at what they have done at this college. It is a fine liberal arts college but also it has a good, Christian, spiritual background. Dr. Raper was followed in 1995 by Dr. William Byrd who is a native of Mount Olive and he and his beautiful wife who went to school in Goldsboro with my wife, beautiful also, is a nuclear physicist, and he is the only nuclear physicist that I've ever shaken hands with. So they have a good team and I commend this resolution to you. They've had famous people graduated -- professional golfers, Neal Lancaster who's on the Senior Pro. Ed knows Neal. We've had the pleasure of playing with him. We've had two members of this body, I think he was a Senator, Howard Bryan, if I remember, and Representative Billy Creech serves on the Board of this college at the present time. The amazing thing about it is that after they moved to the new campus he sold that building that he's bought from the school I think for the same price that he'd gotten originally about forty or forty-five years earlier and now this school is on a one

hundred thirty-eight acre campus. It has satellite campuses in New Bern and Seymour Johnson Air Force Base and other places. So I would commend this resolution to you. These are good folks, good friends of mine and yours and good North Carolina citizens and they started with very little but they ended up with a fine institution of higher learning. Thank you."

Senator Albertson:

"Madame President, Members of the Senate, I think Senator Kerr has spoken very well. This is a tremendous college. I wish it was in Duplin County but it is our good neighbor just to the north of us in Mount Olive which is right close to the Duplin County line. I would just say this college has played a tremendous, had a tremendous, positive influence on the people in our community who live nearby and of course the State for that matter. I was looking at the resolution, Dr. Burkette Raper. I was looking at the resolution and I saw that Reverend Stephen Smith, who was one of our outstanding ministers down in Beulaville that I sort of grew up under and around, was a part of the establishment of this college in the very beginning. William Thigpen, one of our great citizens in Beulaville served on that board, and I believe he still does to this day. I'm not sure. But it's a tremendous college, even the Murphy family, some of you know Wendell Murphy and his great family made a great contribution to that college and they now have a, I believe it's a cafeteria, named in honor of Wendell Murphy's mother, Lois Murphy. So those folks, as well as all of us, have realized the tremendous influence the college has had. Calvin Mercer, I was happy to read in the resolution, from Duplin County was the first person to receive a Baccalaureate Degree at Mount Olive College. This is a great institution and it's hard to imagine the positive impact and influence it's had on all of our people, and the good folks there are so wonderful and work so hard to help people have a better life through the educational process. We are grateful to all of them for all they have done and continue to do for all of our people. I commend the resolution to you."

The joint resolution, as amended, passes its second reading (45-0) and third reading with members standing and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

The President extends the courtesies of the gallery to members of the David Wells Hansley family: The Reverend David Charles Hansley, his son, and wife Sylvia, Kinston; Phil Hansley, grandson, Garner; Cynthia Hansley, granddaughter, Wilson; Nettie Hansley Woodall, daughter, and her husband Thomas, Myrtle Beach, South Carolina; and Vena Lewis, Garner.

Courtesies are also extended to representatives of Mount Olive College: Dr. J. William and Marcy Byrd, President and First Lady; Dr. W. Burkette Raper, Director of Planned Giving and President Emeritus; Dr. Barbara Kornegay, Vice President for Enrollment; Dr. Ellen Jordan, Vice President for Academic Affairs; Rev. Jefferson D. Daughtry, Assistant Director of Planned Giving; Jean F. Ackiss, Director of Church Support, Goldsboro; Dianne B. Riley, Director of Alumni Relations, New Bern; Wilbur Alling, Treasurer and Vice President for Finance; Keysha Philyaw, Assistant Director of Public Affairs; and John and Tharen 'Happy' Taylor, Retired Assistant Maintenance Superintendent and current Bookstore Manager.

Courtesies are extended to representatives of the North Carolina Convention of Original Free Will Baptists: The Reverend Leon Grubbs, Pastor of Hull Road FWB and President of the Convention of Original Free Will Baptists, Kinston; The Reverend Fred and Linda Baker, Pastor of Roberts Grove Free Will Baptist Church and Vice President of the Convention, Dunn; Gloria Brown, Treasurer of the Convention; The Reverend Garland and Bernice Suggs, Pastor of Mount Calvary Free Will Baptist Church; The

Reverend Harold and Elaine Swinson, Pastor of Free Union Free Will Baptist Church and member of the Convention Executive Committee, Pinetown; and The Reverend Earl and Marie Glenn, member of the Convention Executive Committee, Wilson.

H.J.R. 467 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF NEILL MCKAY ROSS, FORMER MEMBER OF THE GENERAL ASSEMBLY, placed earlier on tonight's Calendar.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute joint resolution is read in its entirety and upon motion of Senator Foxx, the remarks of the Senators are spread upon the Journal, as follows:

Senator Harris:

"Madame President and Members of the Senate, it is a distinct privilege to stand on the floor of the Senate and to honor the life and memory of the former House of Representatives Member, Neill McKay Ross, who passed away on February 4, 2001. Mr. Ross, a citizen and attorney from Harnett County, was a member of the House of Representatives during the 1939 session, the year I was born, making him the third generation to serve in the North Carolina General Assembly. Mr. Ross fulfilled a lifetime of service to his church, his community, and to politics. Mr. Ross was a graduate of UNC School of Law, practiced law for 68 years in Harnett County. He was a leader in all endeavors he undertook, especially as related to his church, clients, friends, including Harnett County and the North Carolina Democratic Party. The Harnett County Bar honored him for his many years of service. Attorneys and clients that knew him will attest to the fact that he had one of the finest analytical, legal minds around that spanned through his entire career. Many folks have witnessed him taking time to counsel them on any subject and many times without opening a legal digest or book but relying only on his experience and powerful mind thus resulting in a positive solution to their needs. His leadership, intellect, and integrity remains unchallenged. He was a veteran of World War II and a member of the 'Greatest Generation'. He was solicitor of Harnett County Recorder's Court. Like many of us, Mr. Ross was often a very lucky man who was blessed with wit that was envied by many folks. Many that knew him knew that Mr. Ross sported a mustache and the reason for that, his mustache was contributed to his good luck. During his early years Mr. Ross was traveling by car as many of us do often on Highway 401 and 421 over the Cape Fear River bridge in Lillington, North Carolina. Just as he was pulling away across the bridge the bridge span of the bridge broke and crashed into the river and Mr. Ross was aboard and hanging on for dear life. The onlookers fearing the worst assisted in rescuing Mr. Ross only to find out that on impact he had bitten through his upper lip resulting in a laceration that only resulted in a scar, and a scar he kept concealed for the rest of his life by the mustache. I had an opportunity to know him very well as a young auditor in the Clerk of Courts prior to the State Auditors taking over that function. He was a familiar and friendly face around the courts always and he was a great husband, a great father and was very fortunate and blessed with a wonderful family that's here tonight in the gallery and is being introduced by Madame President. I would commend the resolution to you."

Senator Rand:

"Thank you very much, Madame President, Ladies and Gentlemen. Neill Ross was a great fellow. Those of us who practice law and practice politics down in that part of the world were always aware of him and knew him well. He was a fierce advocate. He was a great man to have on your side. He was someone to watch out for if he was on the other side, but he always conducted himself as a perfect gentleman. He was a great fellow to be friends with to help you and he was always known in our part of the world as one you

could depend on and one you just liked to be with. I commend the resolution to you."

The Committee Substitute joint resolution passes its second reading (43-0) and third reading with members standing and is ordered enrolled.

With unanimous consent, upon motion of Senator Harris, the President extends the courtesies of the gallery to the family of Neill McKay Ross: Vickie Ross Byrd, his daughter; Richard Byrd, son-in-law; and James Reid Ross, son.

Upon motion of Senator Basnight, seconded by Senator Garwood, the Senate adjourns at 7:45 P.M. to meet tomorrow, Tuesday, September 18, at 3:00 P.M.

ONE HUNDRED THIRTY-SIXTH DAY

Senate Chamber
Tuesday, September 18, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, today's headline in the *News and Observer* says 'U.S. Gets Back to Work'. We continue to pray for those who will find that impossible, but for the rest of us it is neither a denial of what has happened nor an act of insensitivity to do so! Resuming our responsibilities is in fact an acknowledgement of your blessings on us, gifts that will enable us to paint a horizon of hope for those yet unable to see it for themselves. Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Carter, Senator Gulley, Senator Martin of Pitt and Senator Weinstein.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, September 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Mary Linhardt from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1431, AN ACT TO PREVENT DOUBLE TAXATION OF MOTOR VEHICLES WHOSE TAX YEAR CHANGES DUE TO A CHANGE IN REGISTRATION. (Became law upon approval of the Governor, September 14, 2001–S.L. 2001-406.)

H.B. 226, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF
September 18, 2001

PHARMACY TO ACQUIRE REAL PROPERTY AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE. (Became law upon approval of the Governor, September 14, 2001–S.L. 2001-407.)

H.B. 170, AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY MULCH-BLOWING EQUIPMENT. (Became law upon approval of the Governor, September 14, 2001–S.L. 2001-408.)

H.B. 115, AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS AND CONFLICTS OF INTEREST. (Became law upon approval of the Governor, September 14, 2001–S.L. 2001-409.)

H.B. 1147, AN ACT TO PERMIT A HOSPITAL TO TEMPORARILY INCREASE ITS BED CAPACITY AFTER NOTIFYING THE DIVISION OF FACILITY SERVICES; PERTAINING TO HOSPITAL PAYMENTS FOR TREATMENT AND SERVICES RENDERED TO WORKERS' COMPENSATION PATIENTS; AND TO DIRECT THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY RULES FOR THE LICENSING OF NEONATAL CARE BEDS. (Became law upon approval of the Governor, September 14, 2001–S.L. 2001-410.)

S.B. 646, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, AND TO MAKE IT UNLAWFUL TO RESTRAIN A DOG BY A CHAIN OR WIRE GROSSLY IN EXCESS OF THE SIZE NECESSARY TO RESTRAIN THE DOG SAFELY. (Became law upon approval of the Governor, September 14, 2001–S.L. 2001-411.)

H.B. 435, AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE GOVERNOR MOREHEAD SCHOOL. (Became law upon approval of the Governor, September 14, 2001–S.L. 2001-412.)

H.B. 1070, AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES, TO MAKE VARIOUS CHANGES IN THE LAW OF FIDUCIARIES AND DECEDENTS' ESTATES, AND TO MAKE TECHNICAL CORRECTIONS TO HOUSE BILL 1073, SENATE BILL 815, AND SENATE BILL 842, AS ENACTED BY THE GENERAL ASSEMBLY. (Became law upon approval of the Governor, September 14, 2001–S.L. 2001-413.)

S.B. 165, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES. (Became law upon approval of the Governor, September 14, 2001–S.L. 2001-414.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 955, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3916, which changes the title to read **H.B. 955** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE MISREPRESENTATION OF THE AUTHORITY OF A NOTARY PUBLIC, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

H.B. 1362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3917, which changes the title to read **H.B. 1362** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES AND TO AUTHORIZE THE NORTH CAROLINA RESPIRATORY CARE BOARD TO INCREASE FEES, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 359 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, upon second reading.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Thursday, September 20, upon second reading.

S.B. 17 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, for concurrence in the House Committee Substitute bill No. 2.

With unanimous consent, upon motion of Senator Clodfelter, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Thursday, September 20.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

H.B. 1269, A BILL TO BE ENTITLED AN ACT REGARDING AIRPORT FEES AND CHARGE FOR RENTAL CARS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6770 is adopted and engrossed.

By Senator Harris for the **Pensions & Retirement and Aging Committee:**

H.B. 1324 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND DEFINITIONS APPLYING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM IN ORDER TO COMPLY WITH RECENT UNITED STATES DEPARTMENT OF LABOR REGULATIONS REQUIRING THAT CERTAIN VISA HOLDERS BE OFFERED RETIREMENT BENEFITS AND ELIGIBILITY FOR RETIREMENT BENEFITS ON THE SAME BASIS AS UNITED STATES CITIZENS, with a favorable report.

The Chair extends the courtesies of the gallery to The Honorable Jim Richardson, former Senator from Mecklenburg County.

CALENDAR *(continued)*

S.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, upon third reading.

Senator Odom offers Amendment No. 1 which is adopted (45-0), and changes the title to read **S.B. 35** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, AND TO ALLOW THE TOWN OF SWANSBORO TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE TOWN ZONING ORDINANCE.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Wellons—45.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, ordered held in the

Office of the Principal Clerk on Monday, September 17.

The Committee Substitute bill is withdrawn from the Clerk's office and placed on the Calendar for tomorrow, Wednesday, September 19, for concurrence in House Amendment No. 2.

CALENDAR (*continued*)

H.B. 110 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND BLUE RIDGE PARKWAY FOUNDATION, upon second reading.

Senator Cunningham offers Amendment No. 1 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Wellons—45.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Wednesday, September 19, upon third reading.

S.B. 470 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS, for concurrence in the House Committee Substitute bill No. 2

The Senate fails to concur in the House Committee Substitute bill No. 2 (0-42).

Senator Hoyle offers a motion that the Senate appoint conferees, which motion prevails.

H.B. 327 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE
September 18, 2001

TREASURER'S INVESTMENT AUTHORITY AND TO GIVE THE STATE TREASURER MORE INVESTMENT FLEXIBILITY WITH RETIREMENT SYSTEMS' ASSETS.

Senator Ballantine offers Amendment No. 1 which is adopted (43-0).

The Senate Committee Substitute bill, as amended, passes its second reading (32-12) and third reading (32-12) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
September 18, 2001

Madame President:

Pursuant to the message sent to your Honorable Body on September 12, 2001, with the information that the House failed to concur in the Senate Committee Substitute for HB 381, A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, and requests conferees,

The Speaker has appointed:

Representative Insko, Chair;
Representative Alexander,
Representative Jim Crawford, and
Representative Esposito

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 381 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL. .

Pursuant to the message from the House of Representatives received today that the House fails to concur in the Senate Committee Substitute bill for HB 381 and requests conferees, Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Metcalf, Chairman; and Senator Foxx; Senator Kinnaird; Senator Lucas; Senator Martin of Guilford; and Senator Purcell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 3:54 P.M. to reconvene at 4:15 P.M.

September 18, 2001

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3922, which changes the title to read **H.B. 231** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) INCREASE THE STATE SALES TAX BY ONE-HALF CENT FROM OCTOBER 16, 2001, UNTIL JULY 1, 2003, (2) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX BEGINNING JULY 1, 2003, (3) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (4) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 100% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (5) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, (6) EQUALIZE TAXATION OF SATELLITE TV AND CABLE TV, (7) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (8) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (9) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (10) ELIMINATE THE CHILDREN'S HEALTH INSURANCE TAX CREDIT, (11) EQUALIZE TAXATION OF HEALTH

MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (12) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES AND REDUCE THE EXCISE TAX ON SPIRITUOUS LIQUOR, (13) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (14) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, AND (15) PROVIDE UNIFORM TAXATION OF TELECOMMUNICATIONS AT 6%, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

H.B. 1154 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA, re-referred to the **Appropriations/Base Budget Committee** on July 24.

Pursuant to Rule 47(a), Senator Lee offers a motion that the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for tomorrow, Wednesday, September 19, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for tomorrow, Wednesday, September 19.

INTRODUCTION OF A RESOLUTION

A Senate resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Basnight; Albertson, Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons:

S.R. 1105, A SENATE RESOLUTION HONORING THOSE AMERICANS WHO DIED AS A RESULT OF THE EVENTS ON SEPTEMBER 11, 2001, AND EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO BRING THE SPONSORS OF TERRORISM TO JUSTICE.

Upon motion of Senator Rand, the rules are suspended and the Senate resolution is placed before the Senate for immediate consideration.

With unanimous consent, upon motion of Senator Rand, the Senate resolution is read in its entirety and, upon motion of Senator Berger, the remarks of the Senators are spread upon the Journal, as follows:

Senator Basnight:

"Ladies and Gentlemen of the Senate, it's beyond my comprehension how this could happen, maybe not so much as how it could happen but why it happened. I think we better understand how it happened but why escapes me. It's beyond my reasoning or my understanding to fathom how anyone could indiscriminately take the lives of innocent people, people who have done no harm to them and who have no conflict with people of the world. We all fully understand our difficulties among people. We have them in our

community of people of where we live. There's an old saying, 'You can disagree, but you don't have to be disagreeable.' This obviously has gone beyond the bounds of sanity or reason. In the world of human beings, we will continue to have conflict. The conflict troubles so many of us, not just those of America, but those of all the countries of the world. So many people are unfairly punished and if this doesn't highlight the type of ... that we all find disagreements with, there is none to be found. People who went to work to provide for their families to offer protection to all people of the world were found in the ruins, are found today in the ruins of those buildings, both in New York and in Washington. Yes, heroes abound and many of the heroes are also in that rubble -- the firefighters, the emergency personnel, the police -- those who rushed into a building that was aflame to save the lives of others knowing without question some would not return. They are our heroes! Terrorism is a terrible word, one which we wish we did not have to describe or understand today, but to take the lives of the innocent, to take the lives of those who cannot defend themselves is beyond my understanding and the understanding of the free world and the world that dreams of freedom for all people. This is a harsh, harsh time in our life. One of the people who works for the North Carolina Senate who is sitting in this chamber now wrote me an e-mail and he described that this was the worst week that he's ever experienced, the worst week that he has ever experienced! If this is the worst week for him, as it is for you and me, imagine what is it like for the grieving families that are in Washington, that are in Pennsylvania, that are in New York and who live across our Country. We all grieve for you, we all pray for you. God bless you and God bless America. The resolution is before the members of the Senate at this time."

Senator Lee:

"Mr. President, we have witnessed through the history of America many events and instances where we have witnessed how we've been divided against ourselves or the Country. We can think of the Civil War and as an historian an area which I've been most interested in, and we can think of other events but I won't list them all. We've gone through a period in our most recent times where people have been impatient with people, that if a car in front of us is going too slowly we become upset and we tailgate. People are willing to engage in a rage and in some instances we tended to not place the value on life that we know it should have and people were willing to take another life sometimes without even thinking about it. Then there have been instances where we wonder if the patriotism could ever be regenerated in America to equal that of the 'Greatest Generation', the World War II's and those times in history. I'm proud of the way Americans have risen to prove that we absolutely love this Country and we've appeared to recognize that life is valuable, but it's also fragile, that we take too many things for granted, that too many of us don't know our neighbors because we don't take the time to go next door and visit or walk the street and get to know people. This has changed me as an individual, as a person, and I think it has changed many others. Yesterday, like many of you, I visited a school and I always ask one question when I go to school to talk to students, 'What do you want to be when you grow up?' In too many instances they've often said to me, 'I want to be a football player or a basketball player' because those were the heroes. I asked that question yesterday and I was very pleased. The response was, 'I'd like to be a fireman or a policeman' and in the case of one young man, a pilot. I thought that spoke volumes, but it took such a tragedy to bring us to rededicate ourselves to our Country, to what it's all about, to what it means and what we as individuals should stand for. I won't leave home again without taking the time to say to my wife that I love her and tell her how important she is to me or speak to one of my children because one never knows when it might be the last time. Then finally, some words came to me a few days ago and they were these thoughts: We work so hard to get the things we want and we spend so much energy dreaming about the things we wish we had to the extent that we sometimes don't use the

time we have to appreciate the most valuable things we already have, love, the right to pursue freedom and liberty and the most valuable of all, life itself. This is a sad time but like the Phoenix, we shall continue to rise and I am just proud to be in America and I'm proud to be an American."

Senator Odom:

"Sunday at church school class at Pleasant Hill Presbyterian Church where I've taught an adult class there for about thirty years we talked about this and it's a difficult subject for all of us to deal with the tremendous and the unbelievable loss, and I hope and pray, as all the members of our class discussed Sunday, that if there is one thing that comes out of this great tragedy, and it is a great tragedy, the one thing that should come out of this is an insatiable, unquenchable thirst for peace in this world. Blessed are the peacemakers, and that always starts with each one of us."

Senator Webster:

"I'm almost hesitant to speak after what I said the day after our bomb threat here. I spoke to four classes of fourth graders Monday, bright, alert, beautiful kids, wonderful, energetic. I asked them who could tell me who said these words, 'Injustice anywhere is a threat to justice everywhere.' There was one little kid who said, out of the 120 or so, who said 'Martin Luther King' and I had to say 'Jr.' I want the word to go out, two wrongs never make a right and I tell you there's a reason for what I'm saying here. There was a rumor that went around that some businessmen in my home area were dancing and rejoicing at the news. I have not confirmed it. This rumor could easily cause some really bad repercussions simply because these people are Arabs or look like Arabs. Let us never meet injustice with injustice."

Senator Martin of Guilford:

"Just to follow the words that have been spoken by everyone I just have a few comments. One of the things that I would say at the beginning, I think, is that I think that all of us should be pleased at the way that this tragedy has been addressed so far by our National leaders, by our State leaders, volunteers and others set out in the resolution. One of the things, I believe, that a lot of people probably were concerned about on Tuesday and on Wednesday was how we would as a nation react to this particular tragedy. I would just say that I think that we have seen that, for the most, part there has been a great deal of confusion, concern and indeed anger. The great thing about it is that I think we're seeing that that anger has been tempered with rationality, which is very important. And so we ... upon the lines that Senator Webster mentioned. You know one of the things that does still give some concern to me and probably to a lot of other people is how we will continue to respond to those persons who might identify as being of Middle Eastern origin or origin in any manner that might be related, because there is the potential, there have been many instances that have already been set out in the news where there have been attacks, where there have been harsh words. There have even been a lot of comments to the effect that, well, what do you expect with a religion that glorifies a person for dying and giving the person's life in a situation of terrorism. I think it has been pointed out by many persons if you've watched programs nationally and otherwise that that is not a tenet of the Islamic religion and I believe that a number of leaders from throughout the world have indicated that. On Sunday I happened to see a program that was broadcast from Riverside, that church in New York, and The Reverend James Forbes is the Pastor. His brother is here in Raleigh, The Reverend David Forbes, and they're also related by marriage to Edolphus Towns, a Congressman from New York who's originally from Chadbourne. But at that church it was very interesting, very compelling that it was focused around Christianity, Islam, the Jewish faith and Buddhism, a Buddhist representative was there, and all spoke

to the same theme of world peace, as Senator Odom mentioned, and stressed the fact that if we are to move forward as a world, we have to be able to understand that not everyone that strikes out and represents something perceived as a negative, that they do not necessarily represent the views of the vast majority of people with those characteristics and that's something I think we must keep in mind, and that speaks to the compassion not just for the families of people that were injured, that were killed, but also compassion to people for whom there could be a very unfortunate backlash, and that diminishes us all. Thank you very much."

Senator Wellons:

"There's a lot that could be said but I would like to say one thing and that is God bless America and all other countries and people of our world. Thank you."

Senator Allran:

"Thank you, Mr. President. I just wanted to say that I know that our Country has to obviously defend itself and that we are going to have to retaliate. That is obvious that we have to do that but I would just like to say that makes me concerned and nervous in a lot of ways because the way in which we retaliate is going to have ramifications not just for the rest of our lives but for our children and grandchildren and great-grandchildren's lives. It could be for a hundred years in response to the way this is handled. When I attended church services this past weekend I really appreciated the way the various ministers spoke in my Protestant Church and in my Catholic Church and made the point that we can't control what these people did but we can control the way we react. I would just like to say that even though I can't go to New York and maybe we can't go to New York and help them out up there, we can do one thing for sure and that is we can pray. I have learned through a lot of personal experience that prayer really does work and it hasn't just worked for me in my life, it's also, I've discovered, very definitely worked when I pray for other people, and so I would just say that I hope every one of us will pray sincerely and deeply for President Bush and all of our leaders because he definitely needs God's help and so does the whole Country to do the right thing."

Senator Dannelly:

"Someone said that out of every bad you can find some good and in any negative you can find something positive. The act was very negative but there were so many positives out of this tragedy that we should never forget it: the outpouring of sympathy from across the Country and the world to us Americans, reaching out to people in our State and every other state to send whatever necessary items the victims and their families needed, and how our children, our schoolchildren, stepped up to the plate and are still doing things, how a person in one of the towers refused to leave his handicapped friend so they suffered together and died together, how a blind person's seeing eye dog would not leave him and led him to safety, would not let him stay in the tower and led him to safety. I say that to say it is great. With all the problems we have in our Country it is still great to be an American."

Senator Hagan:

"I think this resolution is very well-written and I'm going to send a copy of it to Mr. Bradshaw whose wife Sandy Bradshaw's memorial service was held this morning in Greensboro. She was a flight attendant on one of the airlines that crashed and it has been so warm to see the tremendous amount of community support that has been given to her family and her husband and two young children and it's certainly a sad loss for them and for Greensboro and for all the different people around the country."

Senator Miller:

"Thank you, Mr. President. This is an occasion when I think we all feel the same thing and we're all reluctant to say it because none of us feel adequate to the task. I was home when the first attack occurred, the television was on and I spent the next three or four hours watching, and I felt all the emotions that you could imagine any of us, all of us felt. But the one I want to comment on today was my admiration for the extraordinary courage of ordinary Americans. Senator Dannelly just spoke of some of the people who were in the tower who helped carry handicapped co-workers or friends or strangers down to safety, putting themselves at risk in doing it. It was apparent from even the scattered early coverage that firemen and policemen were running into the towers trying to help people knowing the danger that they were placing themselves into. Even after the first tower fell firemen continued to run into the second tower to try to help people who were in that tower. A news reporter reported that one of the firemen was stopped briefly on his way in by someone who said to him, 'The other tower just collapsed. This tower is about to collapse. Why are you running in there?' He paused just long enough to say, 'It's my job,' and ran into the building. It's hard to imagine that fireman survived and it's hard not to be struck by and admire the unblinking courage to run into that building because it was his job. Whenever we have a memorializing resolution on this floor for anyone who served in the Second World War we note that they were a member of the 'Greatest Generation'. Last week another generation of Americans showed greatness and I was proud of my Country."

Senator Garwood:

"Ladies and Gentlemen of the Senate, those firefighters and policemen and many just regular citizens showed the sort of courage that I would hope that I could display in a like situation. I hope I'm never faced with that in my lifetime, but the one thing I wanted to say in spite of this despicable act, the tragedy, I think there's one thing that all of us need to remember always, that God loves us all."

Senator Purcell:

"Mr. President, Ladies and Gentlemen of the Senate, I remember very well that December 7, 1941, when the Fayetteville newspaper came out reporting that the Japanese had attacked Pearl Harbor. I still have that newspaper, by the way. I was just a kid then, but this led on into World War II and Leroy Clark and Bob Shaw and Leroy flying airplanes in Italy and Dan Robinson going into Normandy Beachhead and maybe some others here were involved that I don't know about, but I think that what we all saw then was a coming together of America and I think it's something that if you haven't experienced that it was an all out, everybody on the same side, everybody together, and I think you're going to see that same spirit developing here now after this tragedy which was really, in terms of life lost, greater than Pearl Harbor, I believe. But I think you'll experience America coming together and really know what it means to be an American."

Senator Ballance:

"I opened the Bible to the Book of Job and I was hoping someone would mention that parable. During the reports on television, some of the reporters mentioned that a lot of folks had raised the question of why a loving God would allow these terrible things to happen to good people, and that's an old question. We don't have all the answers but it says in the 13th Chapter, 13th Verse, 'Though he slay me, yet will I trust in him.'"

The Senate resolution is adopted (41-0) with all members standing.

Upon motion of Senator Ballance, seconded by Senator Rucho, the Senate adjourns at 5:08 P.M. to meet tomorrow, Wednesday, September 19, at 3:00 P.M.

ONE HUNDRED THIRTY-SEVENTH DAY

Senate Chamber
Wednesday, September 19, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Neal Carter, First Presbyterian Church, Mocksville, North Carolina as follows:

"Send your peace, O Lord, which is perfect and everlasting that our souls may radiate your peace so we will think and act and speak with your mercy, that we will be contented and thankful with your bountiful gifts and amidst our country's strife we may endure all with your grace alone. Send your peace, O Lord, that our lives may become a divine vision and in your light all darkness will vanish one day that we your children on earth may all unite in one family. May the decisions made here display your peace for all those affected by them. Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Carter, Senator Gullely, Senator Hagan and Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, September 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1037, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EVENT THAT TRIGGERS THE REQUIREMENT TO OBTAIN AN AIR QUALITY PERMIT AND TO PREVENT A PERMIT APPLICANT'S OR A PERMITTEE'S FINANCIAL INVESTMENT IN SUCH FACILITY OR EQUIPMENT FROM BEING USED AS THE BASIS FOR CHALLENGING THE DECISION ON WHETHER TO ISSUE THE PERMIT IN A CONTESTED CASE REGARDING THE APPLICANT OR PERMITTEE OPERATING ITS FACILITY OR EQUIPMENT PRIOR TO OBTAINING THE PERMIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3924, which changes the title to read **S.B. 1037** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY COMMENCE CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT TO OPERATE THAT FACILITY IF THE PROSPECTIVE APPLICANT SUBMITS A NOTICE OF THE CONSTRUCTION AND THAT ANY CURRENT HOLDER OF AN AIR QUALITY PERMIT MAY COMPLETE NEW CONSTRUCTION AT AN EXISTING PERMITTED FACILITY PRIOR TO OBTAINING THE AIR QUALITY PERMIT TO OPERATE THAT FACILITY IF THE
September 19, 2001

PROSPECTIVE APPLICANT SUBMITS A NOTICE OF THE CONSTRUCTION, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Miller for the **Redistricting Committee**:

S.B. 798, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8683 is adopted and engrossed.

With unanimous consent, upon motion of Senator Miller, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 955 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE MISREPRESENTATION OF THE AUTHORITY OF A NOTARY PUBLIC.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, September 24.

H.B. 110 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND BLUE RIDGE PARKWAY FOUNDATION, upon third reading, as amended upon second reading.

Senator Hoyle offers Amendment No. 2 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—44.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 231 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

(1) INCREASE THE STATE SALES TAX BY ONE-HALF CENT FROM OCTOBER 16, 2001, UNTIL JULY 1, 2003, (2) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX BEGINNING JULY 1, 2003, (3) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (4) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 100% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (5) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, (6) EQUALIZE TAXATION OF SATELLITE TV AND CABLE TV, (7) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (8) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (9) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (10) ELIMINATE THE CHILDREN'S HEALTH INSURANCE TAX CREDIT, (11) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (12) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES AND REDUCE THE EXCISE TAX ON SPIRITUOUS LIQUOR, (13) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (14) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, AND (15) PROVIDE UNIFORM TAXATION OF TELECOMMUNICATIONS AT 6%, upon second reading.

With unanimous consent, upon motion of Senator Kerr, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, September 20, upon second reading.

H.B. 1154 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA.

The Senate Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1269 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING AIRPORT FEES AND CHARGE FOR RENTAL CARS.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1324 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND DEFINITIONS APPLYING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM IN ORDER TO COMPLY WITH RECENT UNITED STATES DEPARTMENT OF LABOR REGULATIONS REQUIRING THAT CERTAIN VISA HOLDERS BE OFFERED RETIREMENT BENEFITS AND ELIGIBILITY FOR RETIREMENT BENEFITS ON THE SAME BASIS AS UNITED STATES CITIZENS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Hoyle.

H.B. 1362 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES AND TO AUTHORIZE THE NORTH CAROLINA RESPIRATORY CARE BOARD TO INCREASE FEES.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 943 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DISCONTINUED SERVICE RETIREMENT ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Senator Harris offers Amendment No. 1 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its third reading (44-0) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 467, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF NEILL MCKAY ROSS, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 31)

CALENDAR *(continued)*

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, for concurrence in House Amendment No. 2.

The President rules that the Committee Substitute bill, as amended, does not require a call of the roll upon concurrence.

Upon motion by Senator Clodfelter, the Senate fails to concur in House Amendment No. 2 (0-44).

Senator Clodfelter offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 798 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS, placed earlier on today's calendar.

Senator Shaw of Guilford offers Amendment No. 1 which fails of adoption (17-27).

Senator Webster offers Amendment No. 2 which fails of adoption (15-28).

The President relinquishes the gavel to The Honorable Marc Basnight, President Pro Tempore who presides in the absence of the Lieutenant Governor.

Senator Ballance announces a pair vote. If Senator Allran were present, he would vote "no"; Senator Ballance votes "aye".

Senator Horton announces a pair vote. If Senator Gulley were present, he would vote "aye"; Senator Horton votes "no".

Senator Carrington announces a pair vote. If Senator Hoyle were present, he would vote "aye"; Senator Carrington votes "no".

The Committee Substitute bill passes its second reading (26-15) and third reading (26-15) and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE COLLECTION OF TELECOMMUNICATIONS TAXES, with a favorable report.

S.B. 748, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3925, which changes the title to read **S.B. 748** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO EXEMPT SALES OF CERTAIN ELECTRICITY FROM SALES TAX, is adopted and engrossed.

H.B. 1388 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8684, which changes the title to read **H.B. 1388** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
September 19, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representative Russell has been added as a conferee to Senate Committee Substitute for HB 381, A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

Respectfully,
S/ Denise Weeks
Principal Clerk

September 19, 2001

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 470 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 to S.B. 470 on Tuesday, September 18, and the motion by Senator Hoyle to appoint conferees having prevailed, Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle Chairman; Senator Hartsell; Senator Swindell; and Senator Lee as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Ballance, seconded by Senator Rucho, the Senate adjourns subject to receipt of Conference Reports and Committee Reports, to meet tomorrow, Thursday, September 20, at 2:00 P.M.

CONFERENCE REPORT

Senator Plyler, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 1005, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1005, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, Fifth Edition Engrossed 6/28/01, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed 6/28/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute 1005-PCCS 3926-LE-1.

September 19, 2001

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 19, 2001.

Conferees for the Senate

S/ Aaron W. Plyler, Co-Chair
 S/ T. LaFontine Odom, Co-Chair
 S/ Howard N. Lee, Co-Chair
 Wib Gulley
 S/ Walter H. Dalton
 S/ Linda Garrou
 S/ Jeanne Hopkins Lucas
 S/ Ed Warren
 S/ William N. Martin
 S/ Eric Miller Reeves
 S/ Luther Henry Jordan, Jr.
 R.L. Martin
 S/ Frank W. Ballance, Jr.
 S/ Tony Rand
 S/ David W. Hoyle
 S/ John H. Kerr, III
 S/ Charles W. Albertson
 Charles Carter
 S/ Daniel G. Clodfelter
 S/ Charlie Smith Dannelly
 S/ Oscar N. Harris
 Kay R. Hagan
 S/ Stephen M. Metcalf
 S/ Brad Miller
 S/ William R. Purcell
 S/ David F. Weinstein
 S/ Allen H. Wellons
 S/ Dan Robinson

Conferees for the House of Representatives

S/ Ruth M. Easterling, Chair
 S/ Warren C. Oldham, Chair
 S/ David E. Redwine, Chair
 Gregory J. Thompson, Chair
 S/ Gordon P. Allen
 S/ Philip A. Baddour, Jr.
 S/ Flossie Boyd-McIntyre
 Charles F. Buchanan
 S/ E. Nelson Cole
 James W. Crawford, Jr.
 S/ William T. Culpepper, III
 S/ Andrew T. Dedmon
 S/ Beverly M. Earle
 Theresa H. Esposito
 S/ Stan H. Fox
 Jim Gulley
 S/ Joe Hackney
 S/ R. Phillip Haire
 S/ Margaret M. Jeffus
 Larry T. Justus
 Paul Luebke
 David M. Miner
 Richard T. Morgan
 Edd Nye
 S/ William C. Owens, Jr.
 S/ R. Eugene Rogers
 Wilma M. Sherrill
 S/ Ronald L. Smith
 S/ Joe P. Tolson
 S/ Russell E. Tucker
 S/ William L. Wainwright
 S/ Thomas E. Wright
 S/ Douglas Y. Yongue

The Conference Report is placed on the Calendar for Thursday, September 20, for adoption.

(The full text of the Conference Committee Substitute can be found in the 2001 Session Laws—Chapter 424.)

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 11:59 P.M.

ONE HUNDRED THIRTY-EIGHTH DAY

Senate Chamber
Thursday, September 20, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. Ihsan Bagby, Head of Middle Eastern Studies at Shaw University, Raleigh, North Carolina, as follows:

"As we begin this legislative session we give praise to God and we call him to remembrance the One God, you who are the creator of us all. Help us to realize our common humanity. You who are ever present amongst us, help us to always be mindful of you. You who are all good, help us to fill our lives with good. You who are most merciful, ever compassionate, help us to spread kindness to all your creation, and you who are eternally just help us to be courageous in standing up for justice and not be counted amongst those who are vengeful.

"And in this time of crisis in our nation we ask you, O God, to heal us, heal us, bind our wounds, give solace to our hearts, that this is your world and that although humans are tested and humans test others with their evil but that your word, your righteousness, your justice will always triumph.

"And in this sad time I ask that we pray for those Muslim Americans and Arab Americans. We acknowledge the hundreds of Muslim Americans and Arab Americans who worked in the World Trade Center and who died there, the Muslim American firemen who have given their lives in New York. And we pray for the many Muslim doctors, Muslim American doctors who have given their service in New York. And we pray especially for those Muslim Americans who have been harmed, who have been victims themselves of blind rage and hatred. We pray that we as Americans and North Carolinians will not stoop to the level of hatred that allows one to harm, and maim and kill people. We pray that the Muslim Americans of our community will be accepted into the family, the family of our individual communities and all of growing number of Muslim Americans and Arab Americans will be welcomed, that they be allowed to grieve with all of us as fellow citizens. We pray that God will bless America to come out of the experience more united, more inclusive, more sensitive to the hurt of others, more appreciative of the bravery of others, and may God bless this State and this Nation. Amen."

The Chair grants leaves of absence for today to Senator Carter, Senator Hoyle, Senator Martin of Pitt and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, September 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

H.B. 1063 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 4637, which changes the title to read **H.B. 1063** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS AND TO AUTHORIZE THE STATE BUILDING COMMISSION TO ADOPT RULES TO AUTHORIZE OPEN-END DESIGN AGREEMENTS FOR WETLANDS MITIGATION AND SIMILAR PROJECTS, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1324, AN ACT TO AMEND DEFINITIONS APPLYING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM IN ORDER TO COMPLY WITH RECENT UNITED STATES DEPARTMENT OF LABOR REGULATIONS REQUIRING THAT CERTAIN VISA HOLDERS BE OFFERED RETIREMENT BENEFITS AND ELIGIBILITY FOR RETIREMENT BENEFITS ON THE SAME BASIS AS UNITED STATES CITIZENS.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 400 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, September 25.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 748 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO EXEMPT SALES OF CERTAIN ELECTRICITY FROM SALES TAX, upon second reading.

Senator Kerr offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight,
September 20, 2001

Berger, Bingham, Carpenter, Carrington, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—45.

Voting in the negative: Senator Clodfelter—1.

The Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, September 25, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 232, AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS; AND ACCELERATE PAYMENT OF THE REVENUE GENERATED BY THE STATE EXCISE TAX ON CONVEYANCES TO THE STATE AND EXEMPT PRISONS LOCATED ON LAND OWNED BY THE STATE AND BUILT PURSUANT TO A CONTRACT WITH THE STATE FROM PROPERTY TAX.

CALENDAR *(continued)*

H.B. 231 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) INCREASE THE STATE SALES TAX BY ONE-HALF CENT FROM OCTOBER 16, 2001, UNTIL JULY 1, 2003, (2) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX BEGINNING JULY 1, 2003, (3) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (4) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 100% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (5) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, (6) EQUALIZE TAXATION OF SATELLITE TV AND CABLE TV, (7) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (8) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (9) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (10) ELIMINATE THE CHILDREN'S HEALTH INSURANCE TAX CREDIT, (11) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS

PREMIUMS, (12) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES AND REDUCE THE EXCISE TAX ON SPIRITUOUS LIQUOR, (13) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (14) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, AND (15) PROVIDE UNIFORM TAXATION OF TELECOMMUNICATIONS AT 6%.

With unanimous consent, upon motion of Senator Kerr, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, September 25, upon second reading.

H.B. 359 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, upon second reading.

Senator Wellons offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—46.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2, as amended, remains on the Calendar for tomorrow, Friday, September 21, upon third reading.

H.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE COLLECTION OF TELECOMMUNICATIONS TAXES, upon second reading.

Senator Weinstein announces a pair vote. If Senator Webster were present, he would vote "no"; Senator Weinstein votes "aye".

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 33, noes 11, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carrington, Clodfelter, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren and Wellons—33.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Forrester, Foxx, Garwood, Hartsell, Moore and Rucho—11.

The Committee Substitute bill remains on the Calendar for tomorrow, Friday, September 21, upon third reading.

H.B. 1388 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of

Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—42.

Voting in the negative: Senators Clodfelter and Kinnaird—2.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Friday, September 21, upon third reading.

S.B. 17 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

Upon motion by Senator Gulley, the Senate fails to concur in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 0, noes 46, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—46.

Senator Gulley offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 17 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.

Pursuant to the Senate having failed to concur in House Committee Substitute bill No. 2 to SB 17, and Senator Gulley's motion to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Gulley, Chairman; and Senator Ballance; Senator Moore; and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS.

Pursuant to the Senate having failed to concur in House Amendment No. 2 to SB 210

on September 19, and Senator Clodfelter's motion to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chairman, and Senator Foxx and Senator Hagan as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (*continued*)

S.B. 1005 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, Conference Report, for adoption, upon second reading.

Senator Weinstein announces a pair vote. If Senator Webster were present, he would vote "no"; Senator Weinstein votes "aye".

Upon motion of Senator Plyler, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 31, noes 14, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren and Wellons—31.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Moore, Rucho and Shaw of Guilford—14.

The Conference Report remains on the Calendar for tomorrow, Friday, September 21, for adoption, upon third reading.

Upon motion of Senator Basnight, seconded by Senator Jordan, the Senate adjourns at 4:27 P.M. to meet tomorrow, Friday, September 21, at 9:00 A.M.

ONE HUNDRED THIRTY-NINTH DAY

Senate Chamber
Friday, September 21, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"God of Resolution, at a time in our country and world when so many significant questions are unanswered we are all grateful for any process, though long and tedious, for which a clear decision can be made, especially if that process has relied on reason, communication, personal sacrifice, negotiation and the interest of others. So grant affirmation and resolution today to the Senate as they bring the process of voting a budget to its conclusion. Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Carter, Senator Forrester, Senator Hoyle, Senator Martin of Pitt, Senator Rucho, Senator Thomas, Senator Warren and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Thursday, September 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 1465, A JOINT RESOLUTION HONORING THE MEMORY OF THE REVEREND DAVID WELLS HANSLEY, A FOUNDER OF MOUNT OLIVE COLLEGE, THE ONLY CHARTERED AND ACCREDITED COLLEGE IN NORTH CAROLINA SPONSORED BY THE NORTH CAROLINA CONVENTION OF ORIGINAL FREE WILL BAPTISTS, ON THE FIFTIETH ANNIVERSARY OF ITS FOUNDING. (Res. 32)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1063 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS AND TO AUTHORIZE THE STATE BUILDING COMMISSION TO ADOPT RULES TO AUTHORIZE OPEN-END DESIGN AGREEMENTS FOR WETLANDS MITIGATION AND SIMILAR PROJECTS.

With unanimous consent, upon motion of Senator Albertson, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, September 25.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 822, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO ADOPT AN ARRANGEMENT FOR AN OPTIONAL PREPAID HOSPITAL AND MEDICAL BENEFITS PROGRAM AS AN ALTERNATIVE TO THOSE CURRENTLY AVAILABLE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3928, which changes the title to read **S.B. 822** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO ADOPT ARRANGEMENTS FOR OPTIONAL HOSPITAL AND MEDICAL BENEFITS PROGRAMS AS ALTERNATIVES TO THOSE CURRENTLY AVAILABLE; TO TRANSFER ADMINISTRATION OF THE LONG-TERM CARE BENEFITS OF THE PLAN TO THE STATE TREASURER; TO

PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIANS OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; TO CLARIFY THE AMOUNT OF REIMBURSEMENT ALLOWED FOR PRIVATE DUTY NURSING SERVICES AND ELIGIBILITY FOR CONTINUATION OF COVERAGE FOR TERMINATED EMPLOYEES AND THEIR FAMILIES UNDER THE PLAN; TO PROVIDE FOR REIMBURSEMENT UNDER THE STATE HEALTH PLAN FOR SERVICES PERFORMED BY A CLINICAL PHARMACIST PRACTITIONER; AND TO PROVIDE FOR COMPETITIVE SELECTION OF CERTAIN SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIRED STATE EMPLOYEES, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 359 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, upon third reading, as amended on second reading.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Weinstein and Wellons—41.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in Senate Committee Substitute bill No. 2.

H.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE COLLECTION OF TELECOMMUNICATIONS TAXES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 32, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carpenter, Clodfelter, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Weinstein and Wellons—32.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Cunningham, Foxx, Garwood, Hartsell and Moore—9.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 1388 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 39, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Lee, Lucas, Martin of Guilford,

Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Weinstein and Wellons—39.

Voting in the negative: Senators Clodfelter, Kinnaird—2.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting a bill and a resolution are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 635 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE THE BUSINESS OF BODY PIERCING.

Referred to **Health Care Committee**.

H.J.R. 1466, A JOINT RESOLUTION EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO FIND AND PUNISH THE TERRORISTS RESPONSIBLE FOR THE DESTRUCTION OF THE WORLD TRADE CENTER, THE CRASHING OF ONE PLANE INTO THE PENTAGON AND THE CRASHING OF ANOTHER PLANE NEAR PITTSBURGH, PENNSYLVANIA, AND HONORING ALL AMERICANS WHO HAVE LOST THEIR LIVES DUE TO THIS TRAGEDY.

Referred to **Rules and Operations of the Senate Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 688 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION.

Referred to **Finance Committee**.

CALENDAR *(continued)*

S.B. 1005 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, Conference Report, for adoption, upon third reading.

Senator Bingham announces a pair vote. If Senator Warren were present, he would vote "aye"; Senator Bingham votes "no".

Senator Reeves announces a pair vote. If Senator Carrington were present, he would vote "no"; Senator Reeves votes "aye".

Senator Hartsell announces a pair vote. If Senator Carter were present, he would vote "aye"; Senator Hartsell votes "no".

Senator Purcell announces a pair vote. If Senator Forrester were present, he would vote "no"; Senator Purcell votes "aye".

Senator Weinstein announces a pair vote. If Senator Webster were present, he would vote "no"; Senator Weinstein votes "aye".

Senator Lee announces a pair vote. If Senator Rucho were present, he would vote

"no"; Senator Lee votes "aye".

Senator Carpenter announces a pair vote. If Senator Thomas were present, he would vote "aye"; Senator Carpenter votes "no".

Upon motion of Senator Plyler, the Senate adopts the Conference Report on its third reading by roll-call vote, ayes 26, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Jordan, Kerr, Kinnaird, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Rand, Robinson, Shaw of Cumberland, Soles, Swindell and Wellons—26.

Voting in the negative: Senators Allran, Ballantine, Berger, Foxx, Garwood, Horton, Moore and Shaw of Guilford—8.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM CALENDAR

H.B. 955 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE MISREPRESENTATION OF THE AUTHORITY OF A NOTARY PUBLIC, placed on the Calendar for Monday, September 24 .

Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Monday, September 24, and placed on the Calendar for Tuesday, September 25, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Monday, September 24 and placed on the Calendar for Tuesday, September 25.

Upon motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, and in honor and support of our President and the United States of America, to meet Tuesday, September 25, at 3:00 P.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
September 21, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on SB 1005, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

September 21, 2001

Pursuant to the Senate having adopted the Conference Report for Senate Bill 1005 earlier today, the President orders the bill enrolled and sent to the Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 1005, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
September 21, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in House Committee Substitute # 2 to S.B. 17, A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, and requests conferees,

The Speaker appoints:

Representative Alexander,
Representative Rogers,
Representative Bonner,
Representative Goodwin,
Representative Arnold, and
Representative Michaux

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 9:40 A.M.

ONE HUNDRED FORTIETH DAY

Senate Chamber
Tuesday, September 25, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we pray for the members of this body and all those who share in its labors. We remember that you give strength to overcome our weariness. You give inner peace to overcome the stress produced by work still to be done and a world facing uncertain and dangerous events. Let this be a good week in the Senate with much done and done well. Remind us that we can do all things through you who strengthens us. To your glory we pray, Amen."

The Chair grants leaves of absence for today to Senator Albertson, Senator Carter, Senator Gulley, Senator Martin of Pitt, Senator Moore, Senator Rand and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, September 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 571, AN ACT TO SIMPLIFY THE COLLECTION OF TELECOMMUNICATIONS TAXES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1272, AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES. (Became law upon approval of the Governor, September 22, 2001–S.L.2001-415.)

S.B. 247, AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DEFER THE ISSUANCE OF THE CLEAN WATER BONDS, NATURAL GAS BONDS, AND PUBLIC SCHOOL BUILDING BONDS UNTIL AFTER JANUARY 1, 2002. (Became law upon approval of the Governor, September 22, 2001–S.L.2001-416.)

H.B. 351, AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES; TO CLARIFY THE DEFINITION OF "HEALTH CARE PROVIDER" IN THE PROMPT PAYMENT LAW; AND TO MAKE A CORRECTION IN THE DEFINITION OF "HMO". (Became law upon approval of the Governor, September 22, 2001–S.L.2001-417.)

H.B. 189, AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY RULES TO ESTABLISH ADDITIONAL EXCEPTIONS TO THE 30-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS IN CERTAIN CIRCUMSTANCES AND TO ALLOW STRUCTURAL MODIFICATIONS TO PIERS TO PREVENT OR MINIMIZE STORM DAMAGE, AND TO EXTEND THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT SO AS TO ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION ADDITIONAL TIME TO CONSULT WITH PERSONS WHO ARE INTERESTED IN OR MAY BE AFFECTED BY THE ADOPTION OF PERMANENT RULES TO REPLACE THOSE TEMPORARY RULES. (Became law upon approval of the Governor, September 22, 2001–S.L.2001-418.)

S.B. 1002, AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS. (Became law upon approval of the Governor, September 22, 2001–S.L.2001-419.)

S.B. 790, AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK ISSUED BY AN AGRICULTURAL CREDIT ASSOCIATION OR IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LICENSED MORTGAGE BANKER. (Became law upon approval of the Governor, September 22, 2001–S.L.2001-420.)

H.B. 355, AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS. (Became law upon approval of the Governor, September 22, 2001–S.L.2001-421.)

S.B. 241, AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP. (Became law upon approval of the Governor, September 22, 2001–S.L.2001-422.)

H.B. 164, AN ACT TO AUTHORIZE AUTOMOBILE INSURANCE PREMIUM DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES; TO CLARIFY THE INSURANCE LAW BY PROVIDING THAT THE COMMISSIONER'S APPROVAL OR DISAPPROVAL OF A FILING IS NOT AN AGENCY DECISION WITH RESPECT TO PERSONS OTHER THAN THE FILER OR AN INTERVENOR IN THE FILING; AND TO EXTEND THE EFFECTIVE DATE FOR A LAW FACILITATING THE PURCHASE OF PERSONAL UMBRELLA INSURANCE. (Became law upon approval of the Governor, September 22, 2001–S.L.2001-423.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 231 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) INCREASE THE STATE SALES TAX BY ONE-HALF CENT FROM OCTOBER 16, 2001, UNTIL JULY 1, 2003, (2) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX BEGINNING JULY 1, 2003, (3) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (4) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 100% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (5) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, (6) EQUALIZE TAXATION OF SATELLITE TV AND CABLE TV, (7) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (8) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (9) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (10) ELIMINATE THE CHILDREN'S HEALTH INSURANCE TAX CREDIT, (11) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (12) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES AND REDUCE THE EXCISE TAX ON SPIRITUOUS LIQUOR, (13) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (14) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, AND (15) PROVIDE UNIFORM TAXATION OF TELECOMMUNICATIONS AT 6%.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 400 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS.

With unanimous consent, upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, September 27.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 92, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 92, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, House Committee Substitute Favorable 7/23/01, Fifth Edition Engrossed 7/30/01, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed 7/30/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute, Fifth Edition Engrossed 7/30/01, and substitute the attached Proposed Conference Committee Substitute S92-PCCS3909-SVx-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 19, 2001.

Conferees for the Senate

S/ David Hoyle, Chair
S/ Allen H. Wellons
S/ James S. Forrester
S/ Walter Dalton
John H. Carrington
John A. Garwood

Conferees for the House of Representatives

S/ Mary L. Jarrell, Chair
S/ Martha B. Alexander
Daniel F. McComas
S/ Charles F. Buchanan
S/ Gordon P. Allen
Gregory J. Thompson

The text of the attached Proposed Conference Committee Substitute S92-PCCS3909-SVx-2 is as follows:

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY
ROOM OCCUPANCY TAXES.

The General Assembly of North Carolina enacts:

PART I. CITY OF GASTONIA.

SECTION 1.1. Occupancy tax. – (a) Authorization and Scope. – The Gastonia City Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a

hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 1.1.(c) Distribution and Use of Tax Revenue. – The City of Gastonia shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Gastonia Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection for tourism-related expenditures and shall use the remainder to promote travel and tourism in Gastonia.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a city by attracting tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 1.2. Gastonia Tourism Development Authority. – (a) Appointment and Membership. – When the Gastonia City Council adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a city Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the city. The city council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the City of Gastonia shall be the ex officio finance officer of the Authority.

SECTION 1.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 1.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the city council on its receipts and expenditures for the preceding quarter and for the year in such detail as the city council may require.

PART II. CITY OF KINGS MOUNTAIN.

SECTION 2.1. Occupancy tax. – (a) Authorization and Scope. – The Kings

Mountain City Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 2.1.(c) Distribution and Use of Tax Revenue. – Kings Mountain shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Kings Mountain Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Kings Mountain and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 2.2. Kings Mountain Tourism Development Authority. – (a) Appointment and Membership. – When the Kings Mountain City Council adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a city Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the city. The city council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Kings Mountain shall be the ex officio finance officer of the Authority.

SECTION 2.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 2.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Kings Mountain City Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the city council may require.

PART III. CITY OF LINCOLNTON.

SECTION 3.1. Occupancy tax. – (a) Authorization and Scope. – The Lincolnton City Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 3.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 3.1.(c) Distribution and Use of Tax Revenue. – The City of Lincolnton shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Lincolnton Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Lincolnton and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 3.2. Lincolnton Tourism Development Authority. – (a) Appointment and Membership. – When the Lincolnton City Council adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a city Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the city. The city council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Lincolnton shall be the ex officio finance officer of the Authority.

SECTION 3.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 3.2.(c) Reports. – The Authority shall report quarterly and at the close

of the fiscal year to the Lincolnton City Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the city council may require.

PART IV. MONROE.

SECTION 4.1. Occupancy tax. – (a) Authorization and Scope. – The Monroe City Council may levy a room occupancy tax of up to five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 4.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

The tax collector may collect any unpaid taxes levied under this act through the use of attachment and garnishment proceedings as provided in G.S. 105-368 for collection of property taxes. The tax collector has the same enforcement powers concerning the tax authorized by this act as the Secretary of Revenue in enforcing the State sales tax under G.S. 105-164.30.

SECTION 4.1.(c) Distribution and Use of Tax Revenue. – The City of Monroe shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Monroe Tourism Development Authority. For the first 10 years that funds are remitted to the Authority under this section, the Authority shall use at least two-thirds of the funds remitted to it under this subsection for tourism-related expenditures and shall use the remainder to promote travel and tourism in Monroe. For funds remitted to it under this section thereafter, the Authority shall use at least two-thirds of the funds remitted to it under this section to promote travel and tourism and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 4.2. Monroe Tourism Development Authority. – (a) Appointment and Membership. – When the Monroe City Council adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a city Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be

individuals who are currently active in the promotion of travel and tourism in the city. The city council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the City of Monroe shall be the ex officio finance officer of the Authority.

SECTION 4.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 4.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the city council on its receipts and expenditures for the preceding quarter and for the year in such detail as the city council may require.

PART V. NORTH TOPSAIL BEACH.

SECTION 5.1. Occupancy tax. – (a) Authorization and Scope. – The North Topsail Beach Board of Aldermen may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 5.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 5.1.(c) Distribution and Use of Tax Revenue. – North Topsail Beach shall spend the net proceeds of the occupancy tax levied for beach nourishment.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Beach nourishment. – The placement of sand, from other sand sources, on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program along the North Carolina shorelines and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms to inland property. The term includes expenditures for the following:
 - a. Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies;
 - b. The nonfederal share of the cost required to construct these projects;
 - c. The costs associated with providing enhanced public beach access; and
 - d. The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences.

PART VI. PENDER COUNTY.

SECTION 6.1. Pender County's authority to levy a tax under Chapter 970 of the 1987 Session Laws is repealed effective on the effective date of a tax levied under this Part. Repeal of a tax levied under this Part does not revive Pender County's authority to levy a tax under Chapter 970 of the 1987 Session Laws.

SECTION 6.2. Occupancy Tax. – (a) Authorization and Scope. – The Pender County Board of Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3) and from the rental of private residences and cottages, whether or not the residence or cottage is rented for fewer than 15 days. This tax is in addition to any State or local sales tax.

SECTION 6.2.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 6.2.(c) Distribution and Use of Tax Revenue. – Pender County shall, on a quarterly basis, remit to Surf City the net proceeds of the occupancy tax derived from accommodations in Surf City and shall remit to Topsail Beach the net proceeds of the occupancy tax derived from accommodations in Topsail Beach. Surf City and Topsail Beach shall spend the net proceeds of the occupancy tax levied under this Part for beach nourishment. The remainder of the net proceeds derived from accommodations in Pender County shall, on a quarterly basis, be remitted to the Pender Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Pender County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures.
- (4) Beach nourishment. – The placement of sand, from other sand sources, on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program along the North Carolina shorelines and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms to inland property. The term includes expenditures for the following:
 - a. Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies;
 - b. The nonfederal share of the costs required to construct these projects;
 - c. The costs associated with providing enhanced public beach access; and
 - d. The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences.

SECTION 6.3. Pender Tourism Development Authority. – (a) Appointment and Membership. – When the board of commissioners adopts a resolution levying a room

occupancy tax under this Part, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Pender County shall be the ex officio finance officer of the Authority.

SECTION 6.3.(b) Duties. – The Authority shall expend the net proceeds of the tax remitted to it under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

SECTION 6.3.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART VII. DARE COUNTY.

SECTION 7.1. Section 1(a) of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, reads as rewritten:

"Section 1. Occupancy Tax. (a) Authorization and Scope. The Dare County Board of Commissioners may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of the following in Dare County:

- (1) Any room, lodging, or similar accommodation subject to sales tax under G.S. 105-164.4(a)(3); and
- (2) A campsite.

This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose. This tax is in addition to any State or local sales tax."

SECTION 7.2. Section 1(b) of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, reads as rewritten:

"(b) Administration. – A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this act. ~~Collection. Every operator of a business subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Dare County. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The Dare County Tax Collector shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~"

SECTION 7.3. Section 1(c) of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, is repealed.

SECTION 7.4. Section 1(f) of Chapter 449 of the 1985 Session Laws, as amended

by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, is repealed.

SECTION 7.5. Section 2 of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, reads as rewritten:

"Sec. 2. Definitions. The definitions in G.S. 105-164.3 apply in this act. In addition, the following definitions apply in this act:

- (1) Net proceeds. Gross proceeds less the cost to the county of administering and collecting the tax.
- (2) Prepared food and beverages. Meals, food, and beverages which a retailer has added value to or whose state has been altered (other than solely by cooling) by preparing, combining, dividing, heating, or serving, in order to make them available for immediate consumption.
- (3) Beach nourishment. The placement of sand, from other sand sources, on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program, or which have otherwise been authorized by the General Assembly, along the North Carolina shorelines and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms to inland property and transportation routes. The term includes expenditures for the following:
 - a. Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies;
 - b. The nonfederal share of the costs required to construct these projects;
 - c. The costs associated with providing enhanced public beach access; and
 - d. The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences."

SECTION 7.6. Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, is amended by adding a new section to read:

"Sec. 3.1. Supplemental Occupancy Tax. In addition to the taxes authorized by Sections 1 and 3 of this act, the Dare County Board of Commissioners may levy a room occupancy tax of one percent (1%) of the gross receipts derived from the rental of accommodations taxable under Section 1 of this act. The county may not levy a tax under this section unless it also levies the taxes under Sections 1 and 3 of this act. The levy, collection, administration, and repeal of the tax authorized by this section shall be in accordance with Section 1 of this act. The county shall use the net proceeds of the tax authorized by this section for beach nourishment."

SECTION 7.7. Section 5 of Chapter 449 of the 1985 Session Laws, as amended by Chapter 826 of the 1985 Session Laws and Chapters 177 and 906 of the 1991 Session Laws, is repealed.

PART VIII. ROWAN ADMINISTRATIVE CHANGES.

SECTION 8.1. Section 1 of Chapter 379 of the 1987 Session Laws, as amended by Chapter 882 of the 1991 Session Laws, reads as rewritten:

"Section 1. Occupancy tax. (a) Authorization and scope. – The Rowan County Board of Commissioners may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under G.S. ~~105-164.4(3); 105-164.4(a)(3).~~ This tax is in addition to any State or local sales tax. This tax does not apply to

accommodations furnished by nonprofit charitable, educational, or religious organizations.

(b) ~~Collection.—Every operator of a business subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects the occupancy tax levied under this section may deduct from the amount remitted to the county a discount of three percent (3%) of the amount collected.~~

(c) ~~Administration. — A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section. The county shall administer a tax levied under this section. A tax levied under this section is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. The board of commissioners shall appoint a board to oversee the operations of the Rowan County Convention and Visitors Bureau. Appointments to the board shall be made by the board of commissioners for specified terms as outlined in the bylaws of the Bureau.~~

~~A return filed with the county finance officer under this section is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.~~

(d) ~~Penalties.—A person, firm, corporation, or association who fails or refuses to file the return required by this section shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to any other penalty, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid.~~

~~Any person who willfully attempts in any manner to evade a tax imposed under this section or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The board of commissioners may, for good cause shown, compromise or forgive the penalties imposed by this subsection.~~

(e) ~~Distribution and use of tax revenue. — Rowan County shall apply the net proceeds of the occupancy tax to the purposes provided in this subsection. The county shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Rowan County Convention and Visitors Bureau. Tourism Development Authority. The Bureau Authority shall spend funds remitted to it under this subsection only to promote travel, tourism, and conventions in Rowan County and to sponsor tourist-oriented events and activities in Rowan County. The Bureau Authority may not spend any of the funds for construction, improvement, or maintenance of real property or for any other capital project. The Bureau Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.~~

~~As used in this subsection, 'net proceeds' means gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer.~~

(f) ~~Effective date of levy.— A tax levied under this section shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.~~

(g) ~~Repeal.— A tax levied under this section may be repealed by a resolution adopted by the Rowan County Board of Commissioners. Repeal of a tax levied under this section shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this section does not affect a liability for a tax that was attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal."~~

SECTION 8.2. Chapter 379 of the 1987 Session Laws, as amended by Chapter 882 of the 1991 Session Laws, is amended by adding a new section to read:

"Section 1.1. Establishment, Appointment, and Duties of Tourism Authority. (a) The board of commissioners shall adopt a resolution establishing and creating the Rowan County Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act and shall be composed of the following 11 members appointed by the board of commissioners:

- (1) A county commissioner or his or her designee.
- (2) A member of the Salisbury City Council or his or her designee.
- (3) Two owners, operators, or representatives of hotels, motels, or other taxable tourist accommodations.
- (4) Two individuals to represent all bona fide Rowan County sites and attractions, to be selected from those sites and attractions.
- (5) One individual to represent the Rowan County Chamber of Commerce, either the chair of the board or the chair's designee.
- (6) Four individuals who have an interest in tourism development and do not own or operate hotels, motels, or other taxable tourist accommodations.

The board of commissioners shall appoint all members of the Tourism Development Authority, except for the City of Salisbury appointee, who shall be appointed directly by the Salisbury City Council from its council members. The term of office of each member of the Authority shall be two years. Members may serve no more than two consecutive terms. All members of the Authority shall serve without compensation.

(b) In addition to any other powers and duties of the Authority otherwise conferred by law, the Authority may contract with any person, firm, or agency to advise and assist it in the promotion of travel and tourism and to carry out the purposes identified in Section 1 of this act. The Authority may accept contributions from any source to be used for the purposes stated in Section 1 of this act."

PART IX. TOWN OF WILKESBORO.

SECTION 9.1. Occupancy tax. – (a) Authorization and Scope. – The Wilkesboro Board of Town Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 9.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 9.1.(c) Distribution and Use of Tax Revenue. – The Town of Wilkesboro shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the

Wilkesboro Tourism Development, Convention, and Visitors Bureau. The Bureau shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Wilkesboro and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area, including the operation of a visitors' center. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Bureau, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 9.2. Wilkesboro Tourism Development, Convention, and Visitors Bureau. – (a) Appointment and Membership. – When the Wilkesboro Board of Town Commissioners adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating the Wilkesboro Tourism Development, Convention, and Visitors Bureau, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide that the board of town commissioners shall appoint members of the Bureau for one-year terms and shall provide for the filling of vacancies on the Bureau. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The board of town commissioners shall designate one member of the Bureau as chair and shall determine the compensation, if any, to be paid to members of the Bureau.

The Bureau shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the Town of Wilkesboro shall be the ex officio finance officer of the Bureau.

SECTION 9.2.(b) Duties. – The Bureau shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Bureau shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 9.2.(c) Reports. – The Bureau shall report quarterly and at the close of the fiscal year to the board of town commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board of town commissioners may require.

PART X. TOWN OF SELMA.

SECTION 10.1. Occupancy tax. – (a) Authorization and Scope. – The Town Council of the Town of Selma may levy a room occupancy tax of one percent (1%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 10.1.(b) Administration. – A tax levied under this section shall be

levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 10.1.(c) Distribution and Use of Tax Revenue. – The Town of Selma shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Johnston County Tourism Authority created in Chapter 647 of the 1987 Session Laws. The Johnston County Tourism Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Selma and shall use the remainder for tourism-related expenditures in Selma. The net proceeds of the occupancy tax levied under this Part shall supplement rather than supplant any proceeds being used in the Town of Selma derived from the occupancy tax levied by Johnston County pursuant to Chapter 647 of the 1987 Session Laws.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a town by attracting tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 10.2. A tax levied under this Part expires five years after the effective date of its levy. The town's authority to levy a tax under this Part expires five years after the effective date of its levy of a tax under this Part. The expiration of a tax pursuant to this Part does not affect the rights or liabilities of the town, a taxpayer, or another person arising under the expired tax before the effective date of its expiration; nor does it affect the right to any refund or credit of a tax that would otherwise have been available under the expired tax before the effective date of its expiration.

PART XI. TOWN OF SMITHFIELD.

SECTION 11.1. Occupancy tax. – (a) Authorization and Scope. – The Town Council of the Town of Smithfield may levy a room occupancy tax of one percent (1%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 11.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 11.1.(c) Distribution and Use of Tax Revenue. – The Town of Smithfield shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Johnston County Tourism Authority created in Chapter 647 of the 1987 Session Laws. The Johnston County Tourism Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Smithfield and shall use the remainder for tourism-related expenditures in Smithfield. The net proceeds of the

occupancy tax levied under this Part shall supplement rather than supplant any proceeds being used in the Town of Smithfield derived from the occupancy tax levied by Johnston County pursuant to Chapter 647 of the 1987 Session Laws.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a town by attracting tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 11.2. A tax levied under this Part expires five years after the effective date of its levy. The town's authority to levy a tax under this Part expires five years after the effective date of its levy of a tax under this Part. The expiration of a tax pursuant to this Part does not affect the rights or liabilities of the town, a taxpayer, or another person arising under the expired tax before the effective date of its expiration; nor does it affect the right to any refund or credit of a tax that would otherwise have been available under the expired tax before the effective date of its expiration.

PART XII. AVERASBORO TOWNSHIP IN HARNETT COUNTY.

SECTION 12.1. Section 1 of Chapter 142 of the 1987 Session Laws reads as rewritten:

"Section 1. Occupancy Tax. – (a) Authorization and Scope. – The Harnett County Board of Commissioners may ~~by resolution, after not less than ten (10) days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy tax in an amount not to exceed three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within Averasboro Township that is subject to sales tax imposed by the State under G.S. ~~405-164.4(3)-105-164.4(a)(3).~~ This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious institutions or organizations.

(a1) Additional Occupancy Tax. – In addition to the tax authorized by subsection (a) of this section, the Harnett County Board of Commissioners may levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of accommodations taxable under that subsection. The county may not levy a tax under this section unless it also levies the tax under subsection (a) of this section. A tax levied under this section may not become effective before the first day of the second month after the resolution levying the tax is adopted. The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with this section.

(b) Collection. Every operator of a business subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the township. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by

the operator of the business. As compensation for collecting a tax levied under this act, the operator of a business subject to the tax may retain three percent (3%) of the total tax collected by the operator each month.

(c) Administration. – For the purpose of levying and administering the tax authorized by this act, Averagesboro Township shall be a body politic and corporate and shall have the power to carry out the provisions of this act. The Harnett County Board of Commissioners shall serve, ex officio, as the governing body of the Township, and the officers of the board of commissioners shall serve as the officers of the governing body of the township. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

The Harnett County Board of Commissioners, as the governing body of Averagesboro Township, shall administer a tax levied under this act. A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155 as if Averagesboro Township were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this act. A tax levied under this act is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. The township shall design, print, and furnish to all appropriate businesses and persons in the township the necessary forms for filing returns and instructions to ensure the full collection of the tax. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the township. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

A return filed with the county finance officer under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of thirty (30) days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due for each additional month or fraction thereof until the tax is paid.

Any person who willfully attempts in any manner to evade a tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The board of commissioners may, for good cause shown, compromise or forgive the penalties imposed by this subsection.

(e) Distribution and use of tax revenue. Use of Tax Revenue. – The township shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Averagesboro Township Tourism Development Authority. The Authority may spend funds remitted to it under this subsection only to develop, promote, and advertise travel and tourism in Averagesboro Township, to sponsor tourist-oriented events and activities for Averagesboro Township, to operate and maintain museums and historic sites throughout Averagesboro Township, and to purchase, operate, and maintain a convention facility for Averagesboro Township. As used in this subsection, "net proceeds" means gross proceeds less the cost to the township of administering and collecting the tax, as determined by the finance officer. shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Averagesboro Township and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the township of administering and collecting the tax, as determined by the finance officer, not to exceed three

percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.

- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a township or to attract tourists or business travelers to the township. The term includes tourism-related capital expenditures.

(f) ~~Effective date of levy. A tax levied under this act shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.~~

(g) ~~Repeal. A tax levied under this act may be repealed by a resolution adopted by the Harnett County Board of Commissioners. Repeal of a tax levied under this act does not affect a liability for a tax that attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal."~~

PART XIII. RICHMOND COUNTY.

SECTION 13.1. Chapter 969 of the 1987 Session Laws reads as rewritten:

"Section 1. Levy of Tax. – (a) The Board of Commissioners of Richmond County may by resolution levy a room occupancy and tourism development ~~tax.~~

(b) ~~Collection of the tax and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the board of county commissioners in the resolution levying the tax, which in no case may be earlier than the first day of the succeeding calendar month after the date of adoption of the resolution.~~

~~Sec. 2. Occupancy Tax. The county room occupancy and tourism development tax that may be levied under this act shall be tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp or other similar place within the county now subject to the three percent (3%) sales tax imposed by the State under G.S. 105-164(3). G.S. 105-164.4(a)(3). This tax is in addition to any local sales tax. This tax does not apply to gross receipts derived by the following entities from accommodations furnished by them:~~

- (1) Religious organizations;
- (2) Educational organizations;
- (3) Any business that offers to rent fewer than five units; and
- (4) Summer camps.

~~Sec. 2. Additional Occupancy Tax. – In addition to the tax authorized by Section 1 of this act, the Richmond County Board of Commissioners may levy a room occupancy and tourism development tax of three percent (3%) of the gross receipts derived from the rental of accommodations taxable under that section. The levy, collection, administration, use, and repeal of the tax authorized by this section shall be in accordance with this act. Richmond County may not levy a tax under this section unless it also levies a tax under Section 1 of this act.~~

~~Sec. 3. Administration of Tax. – A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this act. (a) Any tax levied under this act is due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm,~~

corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

(b) Any person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission.

(c) In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to the penalty prescribed in subsection (b), with an additional tax of five percent (5%) for each additional month or fraction thereof until the occupancy tax is paid.

(d) Any person who willfully attempts in any manner to evade the occupancy tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.

~~Sec. 4. Collection of Tax. Every operator of a business subject to a tax levied under this act shall, on and after the effective date of the levy of the tax, collect the three percent (3%) room occupancy tax. This tax shall be collected as part of the charge for the furnishing of any taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Richmond County. The room occupancy tax levied pursuant to this act shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses in Richmond County the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

~~An operator of a business who collects the occupancy tax levied under this act may deduct from the amount remitted to the county a discount of three percent (3%) of the amount collected.~~

~~Sec. 5. Disposition of Taxes Collected. – (a) Richmond County shall remit the net proceeds of the occupancy tax to the county Richmond County Tourism Development Authority in Richmond County Authority. "Net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax, which may not exceed three percent (3%) of the collected tax.~~

(b) The Tourism Development Authority shall use fifty percent (50%) of the funds remitted to it under this section to promote travel and tourism in Richmond County and shall use the remaining fifty percent (50%) for tourism-related expenditures in the City of Rockingham that are mutually agreed upon by the Richmond County Tourism Development Authority and the Rockingham City Council. ~~may expend any funds distributed to it pursuant to subsection (a) only to further the development of travel, tourism, and conventions in the county through State, national, and international advertising and promotion. The Authority may not use more than twenty-five percent (25%) fifteen percent (15%) of the funds distributed to it pursuant to subsection (a) for administrative expenses of the Authority.~~

(c) The following definitions apply in this act:

- (1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or

activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.

- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

Sec. 6. Appointment, Duties of Tourism Development Authority. – (a) When the board of county commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act and shall be composed of the following ~~five~~ seven members:

- (1) A county commissioner appointed by the board of county commissioners;
 - (2) One owner or operator of hotels, motels, or other taxable tourist accommodations, who shall be appointed by the board of county commissioners;
 - (3) The Executive Director of the Richmond County Area Chamber of Commerce; and
 - (4) Two individuals interested in the tourist business who have demonstrated an interest in tourist development, but do not own or operate a hotel, motel, or other taxable tourist accommodation, who shall be appointed by the board of county commissioners.
- (5) Two individuals appointed by the Rockingham City Council. At least one of these individuals must be an owner or operator of a hotel, motel, or other taxable tourist accommodation in the City of Rockingham.

All members of the Authority shall serve without compensation.

Vacancies in the Authority shall be filled in the same manner as the initial appointments. Members appointed to fill vacancies shall serve for the remainder of the unexpired term which they are appointed to fill. Members shall serve terms as provided in the rules of procedures and bylaws of the Authority.

The members shall elect a chairman. The Authority shall meet at the call of the chairman and shall adopt rules of procedure and bylaws to govern its meetings and activities. The finance officer for Richmond County shall be the ex officio finance officer of the Authority.

(b) The Tourism Development Authority may contract with any person, firm, or agency to advise and assist it in the promotion of travel, tourism, and conventions.

(c) The Tourism Development Authority shall report quarterly and at the close of the fiscal year to the board of county commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

~~Sec. 7. Repeal of Levy. (a) The board of county commissioners may by resolution repeal the levy of the room occupancy tax in Richmond County, but no repeal of taxes levied under this Part shall be effective until the end of the fiscal year in which the repeal resolution was adopted.~~

~~(b) No liability for any tax levied under this Part that attached prior to the date on which a levy is repealed shall be discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed shall be denied as a result of the repeal.~~

Sec. 8. This act is effective upon ratification."

PART XIV. TOWN OF CARRBORO.

SECTION 14.1. Occupancy tax. – (a) Authorization and Scope. – The governing body of the Town of Carrboro may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 14.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 14.1.(c) Distribution and Use of Tax Revenue. – The Town of Carrboro shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Carrboro Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Carrboro and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a town by attracting tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 14.2. Carrboro Tourism Development Authority. – (a) Appointment and Membership. – When the governing body of the Town of Carrboro adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The governing body of the Town of Carrboro shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the Town of Carrboro shall be the ex officio finance officer of the Authority.

SECTION 14.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 14.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the governing body of the Town of Carrboro on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART XV. BEECH MOUNTAIN ADMINISTRATIVE PROVISIONS.

SECTION 15.1. Chapter 376 of the 1987 Session Laws reads as rewritten:

"AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Section 1. Occupancy Tax. The Town Council of Beech Mountain may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy and tourism development tax. ~~Collection of the tax, and liability therefor shall begin and continue only on and after the first day of a calendar month set by the Town Council of Beech Mountain in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.~~

The occupancy and tourism development tax that may be levied under this act shall be three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation in the Town of Beech Mountain that is subject to sales tax imposed by the State under G.S. ~~405-164.4(3); 105-164.4(a)(3).~~ This tax is in addition to any State or local sales tax. The tax ~~shall~~ does not apply to ~~any room, lodging, or accommodations supplied to the same person for a period of 90 continuous days or more.~~ The tax ~~shall also not apply to~~ sleeping rooms or lodgings furnished by charitable, educational, or religious institutions or ~~non-profit~~ nonprofit organizations.

Sec. 2. Administration of Tax. (a) A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section. ~~The Town of Beech Mountain shall administer a tax levied under this act. A tax levied under this act is due and payable to the Town in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, and association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the Town. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A return filed with the Town under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.~~

(b) Any person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's ~~omission.~~

~~In case of failure or refusal to file the return or pay the tax for a period of 30 days or more after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the total tax due, for each additional month or fraction thereof until the occupancy tax is paid.~~

~~Any person who willfully attempts in any manner to evade the occupancy tax levied under this act or to make a return and who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or both. The Town Council may, for good cause shown, compromise or forgive the penalties imposed by this subsection.~~

(c) All persons, firms, corporations, and associations who rent either their own dwelling or dwellings or rooms for other persons are required to submit to the ~~Town town~~ a list of all rental properties. This list shall include the owner's name, current address, and location of rental property. The list shall be submitted semi-annually on or before November 30 and May 30.

Failure to file said this listing shall subject the person, firm, corporation or association to a civil penalty.

~~Sec. 3. Collection of Tax. (a) Every operator of a business and every individual renting his or her own property subject to the tax levied pursuant to this act shall, on and after the effective date of the levy of the tax, collect the three percent (3%) room occupancy tax.~~

~~This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the Town of Beech Mountain. It is the intent of this act that the room occupancy tax levied by the Town of Beech Mountain shall be added to the sales price and that the tax shall be passed on to the purchaser instead of being borne by the operator of the business. The Town shall design, print, and furnish to all appropriate businesses in the Town, the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

~~(b) Collection of the tax shall be the responsibility of the Beech Mountain Tax Administrator. In his/her discretion, the Tax Administrator may proceed against an operator whose occupancy tax is delinquent, employing all remedies for collection of tax as set out in G.S. 105-367, 105-368, 105-374, and 105-375. The Tax Administrator may audit occupancy tax reports as he/she deems necessary, utilizing information available to him/her in property tax matters.~~

~~Sec. 4. Discount for Payment of Taxes When Due. Every operator who pays the occupancy tax imposed by this Article shall be entitled to deduct from the amount of the tax for which he is liable and which he actually pays a discount of three percent (3%). Provided, however, the Tax Administrator may deny a taxpayer the benefits of this section for failure to pay the full tax when due as well as in cases of fraud, evasion, or failure to keep accurate and clear records as herein required. Provided, further, that in order to receive the discount the taxpayer must deduct the three percent (3%) at the time of making his monthly remittance of tax to the Town.~~

~~Sec. 5. Disposition of Taxes Collected: Distribution and Use of Tax Revenue. The Town of Beech Mountain shall retain from the gross proceeds of the tax collected an amount sufficient to pay its direct costs for administrative and collection expenses. "Net proceeds" shall mean gross proceeds less the direct costs for administrative and collection expenses not to exceed three percent (3%) of the amount collected. The net proceeds shall be distributed to the Town Council. The Town Council may expend the funds distributed to it pursuant to this section only to further the development of travel, tourism, conventions, and convention facilities in the Town. shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Beech Mountain Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Beech Mountain and shall use the remainder for tourism-related expenditures.~~

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.

- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

Sec. 5.1. Beech Mountain Tourism Development Authority. (a) Appointment and Membership. – When the Beech Mountain Town Council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a town Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The town council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Beech Mountain shall be the ex officio finance officer of the Authority.

Sec. 5.2. Duties. The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 5 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

Sec. 5.3. Reports. The Authority shall report quarterly and at the close of the fiscal year to the Beech Mountain Town Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the town council may require.

~~Sec. 6. Repeal of Levy. The Beech Mountain Town Council may by resolution repeal the levy of the room occupancy tax in Beech Mountain, but no repeal of taxes levied under this part shall be effective until the end of the fiscal year in which the repeal resolution was adopted. No liability for any tax levied under this part that attached prior to the date on which a levy is repealed shall be discharged as a result of the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed shall be denied as a result of the repeal.~~

Sec. 7. This act is effective upon ratification."

PART XVI. AVERY COUNTY.

SECTION 16.1. Chapter 472 of the 1993 Session Laws, as amended by Sections 4 and 5 of S.L. 1997-410, is repealed.

SECTION 16.2. Authorization and Scope. – (a) This section applies only to cities in Avery County that are not otherwise authorized to levy a room occupancy tax. The governing body of a city may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 16.2.(b) Administration. – A tax levied under this section must be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 16.2.(c) Distribution and Use of Tax Revenue. – The taxing city shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the taxing city's Tourism Development Authority. The Authority shall use at least two-thirds of the funds

remitted to it under this subsection to promote travel and tourism in the taxing city and shall use the remainder for tourism-related expenditures.

SECTION 16.2.(d) Definitions. – The following definitions apply in this section:

- (1) City. – Defined in G.S. 153A-1.
- (2) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (3) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (4) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 16.3. Tourism Development Authority. – (a) Appointment and Membership. – When the city council of a taxing city adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the city. The city council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to the members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the taxing city shall be the ex officio finance officer of the Authority.

SECTION 16.3.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 16.2(c) of this act. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 16.3.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the taxing city's city council on its receipts and expenditures for the preceding quarter and for the year in such detail as the city council may require.

PART XVII. CABARRUS COUNTY.

SECTION 17.1. Section 1 of Chapter 658 of the 1989 Session Laws reads as rewritten:

"Section 1. Occupancy Tax Levy. (a) Authorization and Scope. – The Cabarrus County Board of Commissioners may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy tax of not less than three percent (3%) nor more than ~~five percent (5%)~~ six percent (6%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under ~~G.S. 105-164.4(3).~~ G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations

furnished by nonprofit charitable, educational, or religious organizations.

(b) ~~Administration. – A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this act.~~ Collection. ~~On and after the effective date of the levy of the tax, every operator of a business subject to the tax levied under this act shall collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately on the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

(c) ~~Administration.~~ The county shall administer a tax levied under this act. A tax levied under this act is due and payable to the Cabarrus County Finance Officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the county in the preceding month from rentals upon which the tax is levied.

A return filed with the county finance officer under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

(d) ~~Penalties.~~ A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of fifty dollars (\$50.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due for each additional month or fraction thereof until the tax is paid.

Any person who willfully attempts in any manner to evade a tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The board of commissioners may, for good cause shown, compromise or forgive the penalties imposed by this subsection.

(e) ~~Use and Disposition of Revenue.~~ = Cabarrus County shall remit one hundred percent (100%) of the net proceeds of the occupancy tax to the Cabarrus County Tourism Authority established under Section 2 of this act. As used in this act, "net proceeds" means gross proceeds less the direct cost to the county of administering and collecting the tax, not to exceed five percent (5%) of the amount collected.

The Authority may expend occupancy tax revenue remitted to it by the county during a fiscal year, and any other revenue it receives, only to develop or promote tourism, tourist-related support services and facilities, tourist-related events, tourist-related activities, or tourist attractions. The Cabarrus County Finance Officer shall distribute the amounts due the Authority at least monthly.

(f) ~~Effective Date of Levy.~~ A tax levied under this act shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(g) ~~Repeal.~~ A tax levied under this act may be repealed by a resolution adopted by the Cabarrus County Board of Commissioners. Repeal of a tax levied under this act shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this act does not affect a liability for a tax that attached before the effective date of

the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal."

PART XVIII. UNIFORM PROVISIONS.

SECTION 18.1. City administrative provisions. – G.S. 160A-215 reads as rewritten:

"§ 160A-215. Uniform provisions for room occupancy taxes.

(a) Scope. – This section applies only to municipalities the General Assembly has authorized to levy room occupancy taxes. For the purpose of this section, the term "city" means a municipality.

(b) Levy. – A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. – Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing city. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing city shall design, print, and furnish to all appropriate businesses and persons in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing city a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. – The taxing city shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the city finance officer in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the fifteenth day of each month, prepare and render a return on a form prescribed by the taxing city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the city finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. – A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing city has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. – A room occupancy tax levied by a city may be repealed or reduced by a resolution adopted by the governing body of the city. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to the Cities of Gastonia, Goldsboro, Greensboro, Kings Mountain, Lincolnton, Lumberton, Monroe, Mount Airy, Shelby, and Statesville, to the Towns of ~~Banner Elk~~ Carrboro, Mooresville, North Topsail Beach, Selma, Smithfield, St. Pauls, and Wilkesboro, and to the municipalities in Avery and Brunswick County-Counties."

SECTION 18.2. County administrative provisions. – G.S. 153A-155 reads as rewritten:

"§ 153A-155. Uniform provisions for room occupancy taxes.

(a) Scope. – This section applies only to counties the General Assembly has authorized to levy room occupancy taxes.

(b) Levy. – A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. – Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing county a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. – The taxing county shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the taxing county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the county finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. – A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing county has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. – A room occupancy tax levied by a county may be repealed or reduced by a resolution adopted by the governing body of the county. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to Avery, Brunswick, Cabarrus, Craven, Currituck, Dare, Davie, Granville, Madison, Nash, Pender, Person, Randolph, Richmond, Rowan, Scotland, and Transylvania ~~Counties~~. Counties, and to the Township of Averagesboro in Harnett County."

PART XIX. EFFECTIVE DATE.

SECTION 19.1. Part XV of this act becomes effective the first day of the fourth month after this act becomes law. The remainder of this act is effective when it becomes law.

The Conference Report is ruled material which constitutes first reading and is placed on the Calendar for tomorrow, Wednesday, September 26, for adoption, upon second reading.

CALENDAR (*continued*)

S.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO ADOPT ARRANGEMENTS FOR OPTIONAL HOSPITAL AND MEDICAL BENEFITS PROGRAMS AS ALTERNATIVES TO THOSE CURRENTLY AVAILABLE; TO TRANSFER ADMINISTRATION OF THE LONG-TERM CARE BENEFITS OF THE PLAN TO THE STATE TREASURER; TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIANS OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; TO CLARIFY THE AMOUNT OF REIMBURSEMENT ALLOWED FOR PRIVATE DUTY NURSING SERVICES AND ELIGIBILITY FOR CONTINUATION OF COVERAGE FOR TERMINATED EMPLOYEES AND THEIR FAMILIES UNDER THE PLAN; TO PROVIDE FOR REIMBURSEMENT UNDER THE STATE HEALTH PLAN FOR SERVICES PERFORMED BY A CLINICAL PHARMACIST PRACTITIONER; AND TO PROVIDE FOR COMPETITIVE SELECTION OF CERTAIN SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIRED STATE EMPLOYEES.

With unanimous consent, upon motion of Senator Wellons, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, September 26.

RESOLUTION FROM ANOTHER STATE

The following resolution is received from another State, presented to the Senate, and ordered filed in the Office of the Principal Clerk:

State of West Virginia -- House Resolution No. 1, EXPRESSING THE SENSE OF THE HOUSE OF DELEGATES AND DECRYING THE OUTRAGEOUS TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON TUESDAY, SEPTEMBER 11, 2001, EXPRESSING SYMPATHY TO THE FAMILIES AND FRIENDS OF THOSE KILLED OR INJURED, AND URGING THE PRESIDENT OF THE UNITED STATES AND OTHER FEDERAL OFFICIALS TO DEAL SWIFTLY WITH THOSE WHO THREATEN OUR FREEDOM. (*See Appendix.*)

MESSAGES TO THE HOUSE OF REPRESENTATIVES

Without objection, Senator Rand offers a motion that all bills be sent to the House of Representatives by special message effective through the end of session.

CALENDAR (*continued*)

S.B. 748 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT AND TO EXEMPT SALES OF CERTAIN ELECTRICITY FROM SALES TAX, upon third reading, as amended upon second reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—40.

Voting in the negative: Senators Clodfelter and Horton—2.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message.

H.B. 955 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE MISREPRESENTATION OF THE AUTHORITY OF A NOTARY PUBLIC.

Senator Clodfelter offers Amendment No. 1 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its second (42-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1063 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS AND TO AUTHORIZE THE STATE BUILDING COMMISSION TO ADOPT RULES TO AUTHORIZE OPEN-END DESIGN AGREEMENTS FOR WETLANDS MITIGATION AND SIMILAR PROJECTS.

Senator Clodfelter offers Amendment No. 1 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its second (42-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Wednesday, September 26.

WITHDRAWAL FROM CALENDAR

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION.

With unanimous consent, upon motion of Senator Ballance, the Committee Substitute bill is withdrawn from the Calendar of Wednesday, September 26, and placed before the Senate for immediate consideration.

The Senate concurs in the House Amendment No. 1 (42-0) and the measure is ordered enrolled.

Upon motion of Senator Basnight, seconded by Senator Clodfelter, the Senate adjourns September 25, 2001

at 3:52 P.M., subject to receipt of messages from the House of Representatives, to meet tomorrow, Wednesday, September 26, at 3:00 P.M.

ONE HUNDRED FORTY-FIRST DAY

Senate Chamber
Wednesday, September 26, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, the men and women of the Senate have strong beliefs and convictions. It reminds me of the saying, 'One person with beliefs is equal to a thousand with only interests.'

"Since we are such people of beliefs then help us put those beliefs into action. Scripture says, 'Be doers of God's word and not hearers only.' Some may doubt what we say but they will believe what we do. Amen."

The Chair grants leaves of absence for today to Senator Carter, Senator Gulley, Senator Jordan, Senator Martin of Pitt, Senator Moore, Senator Shaw of Cumberland, Senator Webster, Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, September 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Mary Linhardt from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 551, AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION AND TO ALLOW THE DESIGN-BUILD METHOD OF CONSTRUCTION ON A PROJECT OF THE CITY OF ROANOKE RAPIDS.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 1005, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES. (Became law upon approval of the Governor, September 26, 2001-S.L.2001-424.)

Upon motion of Senator Lucas, the President extends the courtesies of the gallery to Senator Lucas's husband of forty-two years, Bill Lucas; and her sister, Bert Breese, both of Durham.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO ADOPT ARRANGEMENTS FOR OPTIONAL HOSPITAL AND MEDICAL BENEFITS PROGRAMS AS ALTERNATIVES TO THOSE CURRENTLY AVAILABLE; TO TRANSFER ADMINISTRATION OF THE LONG-TERM CARE BENEFITS OF THE PLAN TO THE STATE TREASURER; TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIANS OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; TO CLARIFY THE AMOUNT OF REIMBURSEMENT ALLOWED FOR PRIVATE DUTY NURSING SERVICES AND ELIGIBILITY FOR CONTINUATION OF COVERAGE FOR TERMINATED EMPLOYEES AND THEIR FAMILIES UNDER THE PLAN; TO PROVIDE FOR REIMBURSEMENT UNDER THE STATE HEALTH PLAN FOR SERVICES PERFORMED BY A CLINICAL PHARMACIST PRACTITIONER; AND TO PROVIDE FOR COMPETITIVE SELECTION OF CERTAIN SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIRED STATE EMPLOYEES.

The President orders the Committee Substitute bill temporarily displaced.

S.B. 92 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, Conference Report, for adoption, upon second reading.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren and Wellons—38.

Voting in the negative: Senator Carpenter—1.

The Conference Report remains on the Calendar for tomorrow, Thursday, September 27, for adoption, upon third reading.

S.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO ADOPT ARRANGEMENTS FOR OPTIONAL HOSPITAL AND MEDICAL BENEFITS PROGRAMS AS ALTERNATIVES TO THOSE CURRENTLY AVAILABLE; TO TRANSFER ADMINISTRATION OF THE LONG-TERM CARE BENEFITS OF THE PLAN TO THE STATE TREASURER; TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIANS OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; TO CLARIFY THE AMOUNT OF REIMBURSEMENT ALLOWED FOR PRIVATE DUTY NURSING SERVICES

AND ELIGIBILITY FOR CONTINUATION OF COVERAGE FOR TERMINATED EMPLOYEES AND THEIR FAMILIES UNDER THE PLAN; TO PROVIDE FOR REIMBURSEMENT UNDER THE STATE HEALTH PLAN FOR SERVICES PERFORMED BY A CLINICAL PHARMACIST PRACTITIONER; AND TO PROVIDE FOR COMPETITIVE SELECTION OF CERTAIN SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIRED STATE EMPLOYEES, temporarily displaced earlier.

The Committee Substitute bill passes its second (33-8) and third readings and is ordered sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 660, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY A TAX OF NOT MORE THAN FIVE DOLLARS PER YEAR ON ANY VEHICLE RESIDENT IN THE COUNTY AND TO REQUIRE THE FUNDS GENERATED TO BE USED FOR ECONOMIC DEVELOPMENT, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

S.B. 968, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3939 is adopted and engrossed.

S.B. 1037 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY COMMENCE CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT TO OPERATE THAT FACILITY IF THE PROSPECTIVE APPLICANT SUBMITS A NOTICE OF THE CONSTRUCTION AND THAT ANY CURRENT HOLDER OF AN AIR QUALITY PERMIT MAY COMPLETE NEW CONSTRUCTION AT AN EXISTING PERMITTED FACILITY PRIOR TO OBTAINING THE AIR QUALITY PERMIT TO OPERATE THAT FACILITY IF THE PROSPECTIVE APPLICANT SUBMITS A NOTICE OF THE CONSTRUCTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 3935, is adopted and engrossed.

WITHDRAWALS FROM COMMITTEES

S.B. 46, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR UNION COUNTY, referred to the **Rules and Operations of the Senate Committee** on February 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

H.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", referred to the **Judiciary I Committee** on May 5, 2001.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Commerce Committee**.

CONFERENCE REPORT

Senator Hartsell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 106, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS, submits for adoption the following report:

To: The President of the Senate

The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 106 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS, Senate Judiciary I Committee Substitute Adopted 7/24/01, Fifth Edition Engrossed 7/31/01, submit the following report:

The House and Senate amend the Senate Committee Substitute as follows:

1) On page 4, line 33, add the following at the end of the line:

"If the local board of education consists of six or more members, no resolution amending the form of government as to subdivisions (1), (2), or (3) of G.S. 115C-37.2 is effective unless it receives the affirmative votes of two-thirds of all the members of the board."

2) On page 6, lines 25, and 26, delete "with the Secretary of State and the Legislative Library" and substitute "with the Secretary of State, the board or boards of elections administering elections for that unit, and the Legislative Library"

The House concurs in the Senate Committee Substitute bill as amended.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 26, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Fletcher L. Hartsell, Jr., Chair S/ G. Wayne Goodwin

September 26, 2001

S/ Daniel G. Clodfelter
 Wib Gulley
 S/ Linda Garrou
 S/ Stan Bingham

S/ R. Eugene Rogers
 S/ H.M. Michaux, Jr.
 S/ Gene Arnold

The Conference Report is placed on the Calendar for tomorrow, Thursday, September 27, for adoption.

Upon motion of Senator Basnight, seconded by Senator Clodfelter, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet tomorrow, Thursday, September 27, at 10:00 A.M.

ONE HUNDRED FORTY-SECOND DAY

Senate Chamber
 Thursday, September 27, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Honorable Jeanne Lucas, Senator from Durham County, as follows:

"Lord we thank you for being our Father and for blessing us and our families through seen and unseen danger. Let your powerful love, your rich words of scripture and your calm and controlling peace live in us each day as we do your will. Help us to run the race set before us, to be strong and brave to face the foe, looking only to you through this journey. Continue to bless all of us, but especially bless Senators Bob Martin and Charles Carter. May your beauty forever be seen in us. It is in your holy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Carter, Senator Forrester, Senator Gulley, Senator Martin of Pitt, Senator Moore, Senator Shaw of Cumberland, Senator Warren, Senator Webster and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, September 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 400 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS.

With unanimous consent, upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, October 2.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 181, AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY.

H.B. 1269, AN ACT REGARDING AIRPORT FEES AND CHARGE FOR RENTAL CARS.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 551, AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION AND TO ALLOW THE DESIGN-BUILD METHOD OF CONSTRUCTION ON A PROJECT OF THE CITY OF ROANOKE RAPIDS. (Became law upon ratification, September 26, 2001–S.L.2001-425.)

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations/Base Budget Committee**:

H.B. 382, A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3932, which changes the title to read **H.B. 382** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA, is adopted and engrossed.

With unanimous consent, upon motion of Senator Plyler, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 438 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, October 1.

CALENDAR (*continued*)

S.B. 660, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM
September 27, 2001

COUNTY TO LEVY A TAX OF NOT MORE THAN FIVE DOLLARS PER YEAR ON ANY VEHICLE RESIDENT IN THE COUNTY AND TO REQUIRE THE FUNDS GENERATED TO BE USED FOR ECONOMIC DEVELOPMENT, upon second reading, as amended by the Finance Committee.

The bill, as amended, passes its second reading, by roll-call vote, ayes 33, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Bingham, Carrington, Cunningham, Dalton, Dannelly, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas and Wellons—33.

Voting in the negative: Senators Allran, Ballantine, Berger, Carpenter and Foxx—5.

The bill, as amended, remains on the Calendar for Monday, October 1, upon third reading.

H.B. 106 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS.

With unanimous consent, upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, October 4.

S.B. 968 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas and Wellons—39.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, October 1, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 231 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) INCREASE THE STATE SALES TAX BY ONE-HALF CENT FROM OCTOBER 16, 2001, UNTIL JULY 1, 2003, (2) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX BEGINNING JULY 1, 2003, (3) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (4) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 100% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (5) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, (6) EQUALIZE TAXATION OF SATELLITE TV AND CABLE TV, (7) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE

YEARS, (8) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (9) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (10) ELIMINATE THE CHILDREN'S HEALTH INSURANCE TAX CREDIT, (11) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (12) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES AND REDUCE THE EXCISE TAX ON SPIRITUOUS LIQUOR, (13) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (14) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, AND (15) PROVIDE UNIFORM TAXATION OF TELECOMMUNICATIONS AT 6%, re-referred to the **Finance Committee** on September 25.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **Finance Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Finance Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

S.B. 1037 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY COMMENCE CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT TO OPERATE THAT FACILITY IF THE PROSPECTIVE APPLICANT SUBMITS A NOTICE OF THE CONSTRUCTION AND THAT ANY CURRENT HOLDER OF AN AIR QUALITY PERMIT MAY COMPLETE NEW CONSTRUCTION AT AN EXISTING PERMITTED FACILITY PRIOR TO OBTAINING THE AIR QUALITY PERMIT TO OPERATE THAT FACILITY IF THE PROSPECTIVE APPLICANT SUBMITS A NOTICE OF THE CONSTRUCTION.

The Committee Substitute bill No. 2 passes its second (31-9) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 382 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
September 27, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has failed to adopt the report of the Conferees on H.B. 106, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS.

Respectfully,
S/ Denise Weeks
Principal Clerk

CONFERENCE REPORT

Senator Metcalf, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 381 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on H.B. 381, A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, Sixth Edition Engrossed 9/4/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Children and Human Resources Committee Substitute Adopted 8/16/01, and the House concurs in the Senate Committee Substitute, as amended:

On page 4, lines 29 through 32, rewrite those lines to read:

- "(9) Strategies and schedules for implementing the service plan, including consultation on Medicaid policy with area and county programs, qualified providers, and others as designated by the Secretary, intersystem collaboration, promotion of best practices, technical assistance, outcome-based monitoring, and evaluation.
- (10) A plan for coordination of the State Plan for Mental Health, Developmental Disabilities, and Substance Abuse Services with the Medicaid State Plan, and NC Health Choice.";

and on page 4, lines 33 and 37, renumber the remaining subdivisions of G.S. 122C-102;

and on page 7, between lines 13 and 14, insert the following:

- "(30) Prior to requesting approval to close a State facility under G.S. 122C-181(b):
- a. Notify the Joint Legislative Commission on Governmental Operations, the Joint Legislative Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services, and members of the General Assembly who represent catchment areas affected by the closure; and
 - b. Present a plan for the closure to the members of the Joint Legislative Committee on Mental Health, Developmental Disabilities, and Substance

Abuse Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Senate Appropriations Committee on Health and Human Services for their review, advice, and recommendations. The plan shall address specifically how patients will be cared for after closure, how support services to community-based agencies and outreach services will be continued, and the impact on remaining State facilities. In implementing the plan, the Secretary shall take into consideration the comments and recommendations of the committees to which the plan is presented under this subdivision.

- (31) Ensure that the State Plan for Mental Health Developmental Disabilities, and Substance Abuse Services is coordinated with the Medicaid State Plan and NC Health Choice.”;

and on page 23, lines 36 and 37, rewrite those lines to read:

"(b) The Subject to the requirements of subsection (c) of this section, the Secretary may, with the approval of the Governor and Council of State, close any State facility.

(c) Closure of a State facility under subsection (b) of this section becomes effective on the earlier of the 31st legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 10 days after the date the closure is approved, unless a different effective date applies under this subsection. If a bill that specifically disapproves the State facility closure is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the closure becomes effective on the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the State facility closure. If the Secretary specifies a later effective date for closure than the date that would otherwise apply under this subsection, the later date applies. Closure of a State facility does not become effective if the closure is specifically disapproved by a bill ratified by the General Assembly before it becomes effective. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of any regular session to disapprove closure of a facility that has been approved by the Governor and Council of State as provided in subsection (b) of this section. Nothing in this subsection shall be construed to impair the Secretary's power or duty otherwise imposed by law to close a State facility temporarily for the protection of health and safety."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 27, 2001.

Conferees for the Senate

S/ Stephen Metcalf
S/ William N. Martin
S/ Virginia Foxx
S/ Eleanor Kinnaird
S/ William R. Purcell
S/ Jeanne H. Lucas

Conferees for the House of Representatives

S/ Verla Insko
S/ Martha Bedell Alexander
S/ James W. Crawford, Jr.
S/ Theresa H. Esposito
S/ Carolyn B. Russell

The Conference Report is placed on the Calendar for Monday, October 1, for adoption.

S.B. 92 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, Conference Report, for adoption, upon third reading.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report on its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas and Wellons—39.

Voting in the negative: None.

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

The Senate recesses at 11:05 A.M. for the purpose of an Appropriations/Base Budget meeting to reconvene at 11:20 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Garwood.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations/Base Budget Committee**:

H.B. 231 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) INCREASE THE STATE SALES TAX BY ONE-HALF CENT FROM OCTOBER 16, 2001, UNTIL JULY 1, 2003, (2) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX BEGINNING JULY 1, 2003, (3) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (4) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 100% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (5) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, (6) EQUALIZE TAXATION OF SATELLITE TV AND CABLE TV, (7) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (8) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (9) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (10) ELIMINATE THE CHILDREN'S HEALTH INSURANCE TAX CREDIT, (11) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (12) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES AND REDUCE THE

EXCISE TAX ON SPIRITUOUS LIQUOR, (13) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (14) EXEMPT VOLUNTEER FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, AND (15) PROVIDE UNIFORM TAXATION OF TELECOMMUNICATIONS AT 6%, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 8687, which changes the title to read **H.B. 231** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001, is adopted and engrossed.

With unanimous consent, upon motion of Senator Plyler, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Senate Committee Substitute bill No. 2 passes its second (32-4) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Committee Substitute bill No. 2.

Upon motion of Senator Basnight, seconded by Senator Lee, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet Monday, October 1, at 7:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
September 27, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in House Amendment # 2 to S.B. 210, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, and requests conferees,

The Speaker appoints:

Representative, Hurley,
Representative Jarrell, and
Representative McMahan,

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

September 27, 2001

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:32 A.M.

ONE HUNDRED FORTY-THIRD DAY

Senate Chamber
Monday, October 1, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Without the dictates of laws or census figures, it appears that the first model for setting districts may have occurred in Bethel. There Abraham made a magnanimous offer to his nephew, Lot. 'Let there be no strife between you and me,' he said, 'between your herdsmen and my herdsmen because we are kindred. Is not the whole land before us? If you take the left, I'll take the right, or if you take the right, I'll take the left.' We don't expect the process before the legislature of deciding districts to be that easy. There are miracles then there are miracles. But allow it at least to be guided by Abraham's attitude, 'Let there be no strife between us for we are kindred.' Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Ballantine, Senator Berger, Senator Carrington, Senator Carter, Senator Dalton, Senator Dannelly, Senator Hartsell, Senator Hoyle, Senator Lee, Senator Martin of Pitt, Senator Metcalf, Senator Odom, Senator Plyler, Senator Purcell, Senator Rand, Senator Reeves, Senator Robinson, Senator Rucho, Senator Shaw of Guilford, Senator Webster and Senator Wellons.

Senator Soles announces that the Journal of Thursday, September 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1033, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON THE CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO PLAN THE DEVELOPMENT OF MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT SYSTEMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4639, which changes the title to read **S.B. 1033** (Committee Substitute), A BILL TO BE ENTITLED AN ACT

TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE APPOINTMENT OF LOCAL HEALTH DIRECTORS, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee.**

H.B. 1006, A BILL TO BE ENTITLED AN ACT TO AMEND ENVIRONMENTAL REPORTING REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3934, which changes the title to read **H.B. 1006** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, is adopted and engrossed.

INTRODUCTION OF A BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Jordan; Albertson, Ballantine and Soles:

S.J.R. 1106, A JOINT RESOLUTION HONORING BENJAMIN DAVID "B.D." SCHWARTZ, FORMER MEMBER OF THE GENERAL ASSEMBLY.

The Senate joint resolution is ordered held in the Office of the Senate Principal Clerk, pending referral.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 433 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 943, AN ACT TO AUTHORIZE DISCONTINUED SERVICE RETIREMENT ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

H.B. 1154, AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the October 1, 2001

following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1324, AN ACT TO AMEND DEFINITIONS APPLYING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM IN ORDER TO COMPLY WITH RECENT UNITED STATES DEPARTMENT OF LABOR REGULATIONS REQUIRING THAT CERTAIN VISA HOLDERS BE OFFERED RETIREMENT BENEFITS AND ELIGIBILITY FOR RETIREMENT BENEFITS ON THE SAME BASIS AS UNITED STATES CITIZENS. (Became law upon approval of the Governor, September 28, 2001–S.L. 2001-426.)

H.B. 232, AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; ACCELERATE PAYMENT OF WITHHOLDING TAXES; ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AUTHORIZE CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; PROVIDE GENERAL ASSEMBLY OVERSIGHT OF AGENCY FEES; EXEMPT FROM FUEL TAX FUEL USED BY COMMUNITY COLLEGES; MAKE CLARIFYING CHANGES IN THE SUBSIDIARY DIVIDEND PROVISIONS; AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; MAKE TECHNICAL AND CLARIFYING CHANGES TO THE FRANCHISE TAX; ACCELERATE PAYMENT OF LOCAL SALES AND USE TAX REVENUE TO LOCAL GOVERNMENTS; AND ACCELERATE PAYMENT OF THE REVENUE GENERATED BY THE STATE EXCISE TAX ON CONVEYANCES TO THE STATE AND EXEMPT PRISONS LOCATED ON LAND OWNED BY THE STATE AND BUILT PURSUANT TO A CONTRACT WITH THE STATE FROM PROPERTY TAX. (Became law upon approval of the Governor, September 28, 2001–S.L. 2001-427.)

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 660, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY A TAX OF NOT MORE THAN FIVE DOLLARS PER YEAR ON ANY VEHICLE RESIDENT IN THE COUNTY AND TO REQUIRE THE FUNDS GENERATED TO BE USED FOR ECONOMIC DEVELOPMENT, upon third reading.

With unanimous consent, upon motion of Senator Soles, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, October 2, upon third reading.

S.B. 968 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon third reading.

With unanimous consent, upon motion of Senator Soles, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, October 2, upon third reading.

S.B. 438 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

October 1, 2001

ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER, for concurrence in the House Committee Substitute bill, upon second reading.

With unanimous consent, upon motion of Senator Soles, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, October 2, for concurrence, upon second reading.

H.B. 381 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, for adoption.

With unanimous consent, upon motion of Senator Soles, the Conference Report is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, October 2.

Upon motion of Senator Ballance, the President Pro Tempore extends the courtesies of the gallery to former Senator and Chief Justice Henry Frye of Guilford County.

Upon motion of Senator Ballance, seconded by Senator Forrester, the Senate adjourns at 7:11 P.M. subject to receipt of messages from the House of Representatives, to meet tomorrow, Tuesday, October 2, at 3:00 P.M.

ONE HUNDRED FORTY-FOURTH DAY

Senate Chamber
Tuesday, October 2, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, we pray that you would move among us today with clarity of will and singleness of purpose. Help us to live and work with the certainty of your presence in such an uncertain world. Teach us not only your will for what goes on in the Senate, but also how best to accomplish what you would have the Senators to do. We don't want to spoil the end by ineffective means so always teach us the best way of doing the best things. To your glory we pray, Amen."

The Chair grants leaves of absence for today to Senator Carter, Senator Dalton, Senator Martin of Pitt, Senator Reeves and Senator Webster.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, October 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

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S.B. 400 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, October 3, for concurrence.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

S.B. 660, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY A TAX OF NOT MORE THAN FIVE DOLLARS PER YEAR ON ANY VEHICLE RESIDENT IN THE COUNTY AND TO REQUIRE THE FUNDS GENERATED TO BE USED FOR ECONOMIC DEVELOPMENT.

With unanimous consent, upon motion of Senator Kinnaird, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, October 4, upon third reading.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 210, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, Judiciary I Committee Substitute Adopted 3/7/01, submit the following report:

The House recedes from lines 1 and 2 of House Amendment #1.
The Senate concurs in lines 4 through 7 of House Amendment #1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 1, 2001.

Conferees for the Senate

S/ Daniel G. Clodfelter
S/ Kay R. Hagan
S/ Virginia Foxx

Conferees for the House of Representatives

S/ Bill Hurley
S/ Mary L. Jarrell
W. Edwin McMahan

The Conference report is placed on the Calendar for tomorrow, Wednesday, October 3, for adoption.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1019 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 3941, which changes the title to read **H.B. 1019** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, (2) TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL TECHNOLOGIES ARE APPROVED, AND (3) TO CLARIFY THE OFFICE AND DUTIES OF AN ENVIRONMENTAL HEALTH SPECIALIST, is adopted and engrossed.

Upon motion of Senator Albertson, the Senate Committee Substitute bill No. 2 is referred to the **Finance Committee**.

WITHDRAWALS FROM CLERK'S OFFICE

S.J.R. 1106, A JOINT RESOLUTION HONORING BENJAMIN DAVID "B.D." SCHWARTZ, FORMER MEMBER OF THE GENERAL ASSEMBLY, ordered held in the Office of the Principal Clerk on Monday, October 1, pending referral to committee.

Senator Rand withdraws the joint resolution from the Office of the Principal Clerk and refers it to the **Rules and Operations of the Senate Committee**.

S.B. 433 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM, received for concurrence in the House Committee Substitute bill on Monday, October 1, and ordered held in the Office of the Principal Clerk.

The House Committee Substitute bill is withdrawn from the Office of the Principal Clerk and is placed on the Calendar for tomorrow, Wednesday, October 3.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 312 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) AMEND CERTAIN LAWS RELATING TO THE CERTIFICATION OF WELL CONTRACTORS AND TO INCREASE THE MAXIMUM CIVIL PENALTY THAT MAY BE ASSESSED FOR VIOLATIONS OF THE WELL CONTRACTORS CERTIFICATION ACT OR THE WELL CONSTRUCTION ACT; (2) CLARIFY THAT
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THE REQUIREMENTS OF G.S. 106-660 APPLY ONLY TO INSTALLATIONS THAT HANDLE, STORE, DISTRIBUTE, OR APPLY ANHYDROUS AMMONIA FOR FERTILIZER USE; (3) REQUIRE THAT SOLID WASTE THAT IS TO BE INCINERATED IN CERTAIN INCINERATORS BE VISUALLY INSPECTED IN ORDER TO PREVENT THE INCINERATION OF WASTE THAT MAY NOT BE LAWFULLY INCINERATED; AND (4) AMEND THE EXEMPTION OF CERTAIN ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK FROM REGULATION AS FOOD AND LODGING FACILITIES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Wednesday, October 3.

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, October 3.

S.B. 890 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Wednesday, October 3.

APPOINTMENT BY THE GOVERNOR

**State of North Carolina
Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301**

Michael F. Easley
Governor

September 29, 2001

Ms. Janet Pruitt
Senate Principal Clerk
N.C. General Assembly
2020 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute §106-2, I hereby appoint Mr. Brent Fleming and reappoint Mr. Roger D. Oxendine and Mr. C. Osmond Kearney to the North Carolina State Board of Agriculture and submit their names for confirmation of the North Carolina Senate. Their terms are effective immediately upon confirmation and will expire May 1, 2007.

Enclosed is biographical information on these appointees. Please feel free to call on them

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or members of my office of Boards and Commissions if you need additional information.

With kindest regards, I remain

Very truly yours,
S/ Mike Easley

Referred to the **Agriculture, Environment and Natural Resources Committee.**

CALENDAR (*continued*)

S.B. 968 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 1006 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 438 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—44.

Voting in the negative: Senator Ballantine—1.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, October 3, for concurrence, upon third reading.

H.B. 381 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, Conference Report for adoption.

Upon motion of Senator Metcalf, the Senate adopts the Conference Report (45-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
October 1, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House had adopted the report of the Conferees on HB 381, A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

WITHDRAWALS FROM COMMITTEES

S.B. 163, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED AND TO PROVIDE FUNDS FOR THE EDUCATION OF THESE CHILDREN, re-referred to the **Appropriations/Base Budget Committee** on April 4.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.J.R. 833, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN LAWSON ON THE 300TH ANNIVERSARY OF HIS FIFTY-SEVEN DAY FIVE HUNDRED FIFTY-MILE TREK THROUGH THE BACKCOUNTRY OF THE CAROLINAS, referred to the **Rules and Operations of the Senate Committee** on July 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, October 3, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of**

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the Senate Committee and places it on the Calendar for tomorrow, Wednesday, October 3.

Upon motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Wednesday, October 3, at 3:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 703 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT RESUSCITATE ORDER, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, October 3.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS, with a favorable report.

H.B. 1195, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 9353, which changes the title to read **H.B. 1195** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR AND BY PRESCRIBING A METHOD FOR MAKING ABSENTEE BALLOT REQUESTS, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY, is adopted and engrossed.

H.B. 599 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE AMOUNT OF, AND MAXIMUM RATE OF INTEREST FOR, SMALL LOANS, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO

ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 4641, which changes the title to read **H.B. 599** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, is adopted and engrossed.

H.B. 946 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE AND TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3944, which changes the title to read **H.B. 946** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7687, which changes the title to read **H.B. 948** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO CLARIFY HOW DISTANCES BETWEEN ABC ESTABLISHMENTS AND CHURCHES AND SCHOOLS ARE MEASURED, TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 46, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR UNION COUNTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3946, which changes the title to read **S.B. 46** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, is adopted and engrossed.

H.B. 688 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7686, which changes the title to read **H.B. 688** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION, RESEARCH INITIATIVES FUNDED BY THE AGRICULTURAL ADVANCEMENT CONSORTIUM, AND THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE-FUNDING NEEDS, is adopted and engrossed.

Upon motion of Senator Kerr, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 969 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3940 is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:32 P.M.

ONE HUNDRED FORTY-FIFTH DAY

Senate Chamber
Wednesday, October 3, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

October 3, 2001

"Dear God, over the past several weeks, courage has been redefined for us. Holy Scripture says be strong and let your heart take courage. We now know, 'Courage is not having the strength to go on, it is going on when one doesn't have the strength. A courageous heart and determination can do anything that intellect and advantage can do and many things they cannot.' Help us to incorporate the kind of courage we have seen into our lives, O God. Amen."

*Quote by Theodore Roosevelt

The Chair grants leaves of absence for today to Senator Carter, Senator Kinnaird, Senator Martin of Guilford, Senator Martin of Pitt, Senator Reeves and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, October 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Mary Linhardt from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, October 4.

H.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, October 4.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

H.B. 13 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT BEING INFORMED THAT CLAIMANTS DO NOT HAVE TO USE THOSE RECOMMENDED REPAIR SERVICES OR SOURCES AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE INSURANCE INDUSTRY PRACTICE OF RECOMMENDING REPAIR SERVICES TO CLAIMANTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3945, which changes the title to read **H.B. 13** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT INFORMING THEM OF THEIR OPTIONS; TO AMEND THE SURPLUS LINES LAW TO CONFORM IT TO THE GRAMM-LEACH-BLILEY ACT; AND TO CORRECT AN ERROR IN AN AMENDMENT TO THE WORKERS' COMPENSATION ACT, is adopted and engrossed.

H.B. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND WHAT IS REQUIRED AS OF DECEMBER 31, 2001, WITH CERTAIN EXCEPTION; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8690, which changes the title to read **H.B. 1048** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND WHAT IS REQUIRED AS OF JUNE 30, 2003, WITH CERTAIN EXCEPTION; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

H.B. 635 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE THE BUSINESS OF BODY PIERCING, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Purcell, the Committee Substitute bill No. 2, as amended, is re-referred to the **Finance Committee**.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 163, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED AND TO PROVIDE FUNDS FOR THE EDUCATION OF THESE CHILDREN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3948, which changes the title to read **S.B. 163** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED, is adopted and engrossed.

S.B. 359, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 7683, which changes the title to read **S.J.R. 359** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY EVANS, FOUNDER OF EVANS METROPOLITAN AME ZION CHURCH ON THE CHURCH'S TWO HUNDREDTH ANNIVERSARY, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute joint resolution is placed on today's Calendar.

H.J.R. 1466, A JOINT RESOLUTION EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO FIND AND PUNISH THE TERRORISTS RESPONSIBLE FOR THE DESTRUCTION OF THE WORLD TRADE CENTER, THE CRASHING OF ONE PLANE INTO THE PENTAGON AND THE CRASHING OF ANOTHER PLANE NEAR PITTSBURGH, PENNSYLVANIA, AND HONORING ALL AMERICANS WHO HAVE LOST THEIR LIVES DUE TO THIS TRAGEDY, with an unfavorable report as to joint resolution, but favorable as to Senate Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute joint resolution 3947, which changes the title to read **H.J.R. 1466** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT TROOPS PARTICIPATING IN OPERATIONS ENDURING FREEDOM AND NOBLE EAGLE, AND TO PERMIT LEAVE FOR DISASTER SERVICE VOLUNTEERS, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute joint resolution is placed on today's Calendar.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1061, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PUBLIC WATER SYSTEMS THAT RESELL WATER FROM THE NORTH CAROLINA DRINKING WATER ACT, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3933, which changes the title to read **H.B. 1061** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE PROCESS BY WHICH THE COST OF PROVIDING WATER AND SEWER SERVICE MAY BE ALLOCATED TO A DWELLING UNIT, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

H.B. 1019 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, (2) TO IMPROVE

THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL TECHNOLOGIES ARE APPROVED, AND (3) TO CLARIFY THE OFFICE AND DUTIES OF AN ENVIRONMENTAL HEALTH SPECIALIST, re-referred to the **Finance Committee** on October 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill No. 2 be withdrawn from the **Finance Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill No. 2 withdrawn from the **Finance Committee** and re-refers the measure to the **Judiciary I Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
October 2, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on SB 92, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 92 on September 27, the President orders the bill enrolled and sent to the Governor.

CALENDAR *(continued)*

S.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 34, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Bingham, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Guley, Hagan, Harris, Hartsell, Horton, Jordan, Lee, Lucas, Metcalf, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—34.

Voting in the negative: Senators Allran, Ballantine, Berger, Carpenter, Foxx, Moore and Rucho—7.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, October 4, upon third reading.

S.B. 433 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM, for October 3, 2001

concurrence in the House Committee Substitute bill.

The President rules that the Committee Substitute bill does not require a call of the roll upon concurrence.

The Senate concurs in the House Committee Substitute bill (42-0) and the measure is ordered enrolled.

H.B. 969 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, upon second reading.

Without objection, Senator Clodfelter requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 27, noes 16, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Dalton, Dannelly, Garrou, Gulley, Hagan, Hoyle, Jordan, Kerr, Lee, Lucas, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—27.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Cunningham, Forrester, Foxx, Garwood, Harris, Hartsell, Horton, Moore, Rucho and Shaw of Guilford—16.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, October 4, upon third reading.

S.J.R. 359 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY EVANS, FOUNDER OF EVANS METROPOLITAN AME ZION CHURCH ON THE CHURCH'S TWO HUNDREDTH ANNIVERSARY, placed earlier on today's Calendar.

Upon motion of Senator Shaw of Cumberland, the Committee Substitute joint resolution is taken up out of its regular order of business.

Upon motion of Senator Shaw of Cumberland, the joint resolution is read in its entirety.

Upon motion of Senator Shaw of Cumberland, the remarks of the Senators are spread upon the Journal, as follows:

Senator Shaw of Cumberland:

"Thank you, Madame President. Ladies and gentlemen of the Senate, I rise to ask that you support this resolution honoring the life and memory of Henry Evans, founder of Evans Metropolitan AME Zion Church celebrating its 200th year anniversary. I think this is very significant in the scheme of things as we look at our own country's history. Today we just recently in my lifetime celebrated the 200th year anniversary of the founding of this great country as well as our Constitution. There are not many institutions around that you can look at that have celebrated 200 years of survival. The other thing I think about, Reverend Evans, as it said it was believed they came by divine appointment. Need I remind you that in the year 1800, the Slavery Act prohibited the three R's, reading, writing and arithmetic, for blacks, for slaves. You would get, you would not only get run out of town, you would be shown quite quickly where to go, if you're lucky. So he must have had some divine presence with him to do this, and not only that, he eventually won over the town fathers who began to worship with him and allowed him to preach the gospel.

This is a phenomenon in and of itself. The man has not only distinguished himself in the spiritual world but many of his works are still in existence, I'm told, today. Buildings and works and part of the road system they laid still exist today in some parts of the town. The church is quite an institution that we have and it does a lot of good in the community. It has just been like a lighthouse for ships. It serves as a refuge for many of the members of the community as well as the other churches that exist in the community. This is really something to take a look at whereas even as late as 1850 you had black and white parishioners worshipping together. You're talking about a small town in North Carolina, in eastern North Carolina, so my hat is off to them and the founders and they kept this great institution thriving and today, Madame President, we do have in the gallery with us some members that I would like you to recognize at the appropriate time. But, members of the Senate, I ask that you join us in supporting this resolution and give it strong, favorable support. Thank you."

Senator Rand:

"Ladies and gentlemen of the Senate, it's an amazing thing that for 200 years this wonderful church has existed and has prospered and had been a real moral force in our community. Evans Metropolitan does a great deal for spiritual life of Fayetteville, for the civic life of most anywhere you can imagine. Its members are active in our community and it is a powerful force for understanding and for the correct way to live one's life, I would say. It's a wonderful place to go and worship and it is an inspiration to all who know the story that for 200 years this church has done a great deal for understanding and for the spiritual life of our community. So I join with Senator Shaw in asking for your support. Thank you."

The Committee Substitute joint resolution passes its second reading (44-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Rand and Senator Shaw of Cumberland, the President extends the courtesies of the gallery to the Senior Members of Evans Metropolitan AME Zion Church.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 359, AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

CALENDAR *(continued)*

H.J.R. 833, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN LAWSON ON THE 300TH ANNIVERSARY OF HIS FIFTY-SEVEN DAY FIVE HUNDRED FIFTY-MILE TREK THROUGH THE BACKCOUNTRY OF THE CAROLINAS.

The joint resolution passes its second (43-0) and third readings and is ordered enrolled.

The Senate recesses at 4:05 P.M. for the purpose of an Appropriations/Base Budget meeting to reconvene at 4:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Albertson.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Appropriations/Base Budget Committee**:

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION, RESEARCH INITIATIVES FUNDED BY THE AGRICULTURAL ADVANCEMENT CONSORTIUM, AND THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE-FUNDING NEEDS, with a favorable report.

Upon motion of Senator Plyler, the rules are suspended and the Senate Committee Substitute bill is placed on today's calendar.

S.B. 907, A BILL TO BE ENTITLED AN ACT PROVIDING THAT ORGAN DONATION BY A DECEASED INDIVIDUAL IS PRESUMED UNDER CERTAIN CIRCUMSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3897, which changes the title to read **S.B. 907** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION, RESEARCH INITIATIVES FUNDED BY THE AGRICULTURAL ADVANCEMENT CONSORTIUM, AND THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE-FUNDING NEEDS, placed on today's Calendar earlier today, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 31, noes 11, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Carrington, Clodfelter, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Jordan, Kerr, Lee,

Lucas, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—31.

Voting in the negative: Senators Berger, Bingham, Carpenter, Cunningham, Forrester, Foxx, Garwood, Hartsell, Horton, Moore and Shaw of Guilford—11.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, October 4, upon third reading.

H.B. 946 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND.

Senator Rand offers Amendment No. 1 which is adopted (43-0).

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

The Senate Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 948 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO CLARIFY HOW DISTANCES BETWEEN ABC ESTABLISHMENTS AND CHURCHES AND SCHOOLS ARE MEASURED, TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS.

The Senate Committee Substitute bill passes its second (32-11) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 253 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, AND TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 4642, which changes the title to read **H.B. 253** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR
October 3, 2001

PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS, is adopted and engrossed.

H.B. 917, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 8686, which changes the title to read **H.B. 917** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES, for concurrence in the House Committee Substitute bill, upon second reading.

With unanimous consent, upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, October 17, for concurrence upon second reading.

H.B. 1195 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR AND BY PRESCRIBING A METHOD FOR MAKING ABSENTEE BALLOT REQUESTS, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY.

The Senate Committee Substitute passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 438 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Guley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—42.

Voting in the negative: Senator Ballantine—1.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 890 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill No. 2.

The Chair rules that the House Committee Substitute bill No. 2 does not require a call of the roll upon concurrence.

The Senate concurs in the House Committee Substitute bill No. 2 (43-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 312 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) AMEND CERTAIN LAWS RELATING TO THE CERTIFICATION OF WELL CONTRACTORS AND TO INCREASE THE MAXIMUM CIVIL PENALTY THAT MAY BE ASSESSED FOR VIOLATIONS OF THE WELL CONTRACTORS CERTIFICATION ACT OR THE WELL CONSTRUCTION ACT; (2) CLARIFY THAT THE REQUIREMENTS OF G.S. 106-660 APPLY ONLY TO INSTALLATIONS THAT HANDLE, STORE, DISTRIBUTE, OR APPLY ANHYDROUS AMMONIA FOR FERTILIZER USE; (3) REQUIRE THAT SOLID WASTE THAT IS TO BE INCINERATED IN CERTAIN INCINERATORS BE VISUALLY INSPECTED IN ORDER TO PREVENT THE INCINERATION OF WASTE THAT MAY NOT BE LAWFULLY INCINERATED; AND (4) AMEND THE EXEMPTION OF CERTAIN ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK FROM REGULATION AS FOOD AND LODGING FACILITIES, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (42-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 400 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, the Senate fails to concur in the House Committee Substitute bill (2-41).

Senator Hoyle offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 400 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS.

Pursuant to the Senate having failed to concur in the House Committee Substitute for SB 400 earlier today and Senator Hoyle's motion to appoint conferees having prevailed, Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chairman; and Senator Dalton; Senator Forrester; Senator Thomas; and Senator Weinstein as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (*continued*)

S.B. 703 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT RESUSCITATE ORDER, for concurrence in House Amendment No. 1.

Upon motion of Senator Purcell, the Senate concurs in House Amendment No. 1 (43-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 210 (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, Conference Report, for adoption, upon second reading.

The Chair rules that the Conference Report does not require a call of the roll upon adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (43-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.J.R. 1466 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT TROOPS PARTICIPATING IN OPERATIONS ENDURING FREEDOM AND NOBLE EAGLE, AND TO PERMIT LEAVE FOR DISASTER SERVICE VOLUNTEERS, placed earlier on today's Calendar.

The Senate Committee Substitute joint resolution passes its second (42-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute joint resolution.

WITHDRAWAL FROM COMMITTEE

S.B. 256, A BILL TO BE ENTITLED AN ACT TO EXPAND PRESENT-USE VALUE CLASSIFICATION TO CERTAIN BUSINESS ENTITIES AND TO CLARIFY THE OWNERSHIP REQUIREMENTS FOR PRESENT-USE VALUE CLASSIFICATION, referred to the **Finance Committee** on February 27.

Pursuant to Rule 47(a), Senator Kerr offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

Upon motion of Senator Ballance, seconded by Senator Robinson, the Senate adjourns at 5:35 P.M. subject to receipt of committee reports and messages from the House to meet tomorrow, Thursday, October 4, at 10:00 A.M.

ONE HUNDRED FORTY-SIXTH DAY

Senate Chamber
Thursday, October 4, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

October 4, 2001

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, the Senate will adjourn today and it appears take some days of respite from this long legislative session. As members and staff return to their homes may they be renewed by something as simple as the sighting of brilliantly colored red and purple wildflowers planted by our State along roadsides, a picture that proclaims confidently but without words that after all is said and done, the Good Lord does reign over his creation. Amen."

The Chair grants leaves of absence for today to Senator Carter, Senator Forrester, Senator Gulley, Senator Martin of Guilford, Senator Martin of Pitt, Senator Reeves and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, October 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Mary Linhardt from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 92, AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES.

S.B. 312, AN ACT TO: (1) AMEND CERTAIN LAWS RELATING TO THE CERTIFICATION OF WELL CONTRACTORS AND TO INCREASE THE MAXIMUM CIVIL PENALTY THAT MAY BE ASSESSED FOR VIOLATIONS OF THE WELL CONTRACTORS CERTIFICATION ACT OR THE WELL CONSTRUCTION ACT; (2) CLARIFY THAT THE REQUIREMENTS OF G.S. 106-660 APPLY ONLY TO INSTALLATIONS THAT HANDLE, STORE, DISTRIBUTE, OR APPLY ANHYDROUS AMMONIA FOR FERTILIZER USE; (3) REQUIRE THAT SOLID WASTE THAT IS TO BE INCINERATED IN CERTAIN INCINERATORS BE VISUALLY INSPECTED IN ORDER TO PREVENT THE INCINERATION OF WASTE THAT MAY NOT BE LAWFULLY INCINERATED; AND (4) AMEND THE EXEMPTION OF CERTAIN ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK FROM REGULATION AS FOOD AND LODGING FACILITIES.

S.B. 438, AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER.

S.B. 703, AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT RESUSCITATE ORDER.

S.B. 890, AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES.

H.B. 327, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO October 4, 2001

THE STATE TREASURER'S INVESTMENT AUTHORITY AND TO GIVE THE STATE TREASURER MORE INVESTMENT FLEXIBILITY WITH RETIREMENT SYSTEMS' ASSETS.

H.B. 381, AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

H.B. 1063, AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS AND TO AUTHORIZE THE STATE BUILDING COMMISSION TO ADOPT RULES TO AUTHORIZE OPEN-END DESIGN AGREEMENTS FOR WETLANDS MITIGATION AND SIMILAR PROJECTS.

And the following bill and resolutions duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 433, AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM.

S.J.R. 359, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HENRY EVANS, FOUNDER OF EVANS METROPOLITAN AME ZION CHURCH ON THE CHURCH'S TWO HUNDREDTH ANNIVERSARY. (Res. 33)

H.J.R. 833, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN LAWSON ON THE 300TH ANNIVERSARY OF HIS FIFTY-SEVEN DAY FIVE HUNDRED FIFTY-MILE TREK THROUGH THE BACKCOUNTRY OF THE CAROLINAS. (Res. 34)

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, October 17.

H.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute

bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, October 17.

S.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 36, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Bingham, Carpenter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—36.

Voting in the negative: Senators Allran, Ballantine, Berger, Foxx and Rucho—5.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, upon second reading.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, October 17, upon second reading.

S.B. 660, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY A TAX OF NOT MORE THAN FIVE DOLLARS PER YEAR ON ANY VEHICLE RESIDENT IN THE COUNTY AND TO REQUIRE THE FUNDS GENERATED TO BE USED FOR ECONOMIC DEVELOPMENT, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 36, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—36.

Voting in the negative: Senators Allran, Ballantine, Berger, Foxx, Moore and Rucho—6.

The bill is ordered sent to the House of Representatives by special message.

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION, RESEARCH INITIATIVES FUNDED BY THE AGRICULTURAL ADVANCEMENT CONSORTIUM, AND THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE-FUNDING NEEDS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 35, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Clodfelter, Dalton, Dannelly, Foxx, Garrou, Garwood, Hagan, Harris, Hoyle, Jordan, Kerr, Kinnaird, Lucas, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Robinson,

Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—35.

Voting in the negative: Senators Berger, Bingham, Carrington, Cunningham, Hartsell, Horton and Moore—7.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 969 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, upon third reading.

Upon motion of Senator Rand, the Senate Committee Substitute bill is temporarily displaced.

H.B. 253 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS, upon third reading.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is temporarily displaced.

S.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

S.B. 140 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS TO REPORT CHARITABLE CONTRIBUTIONS SOLICITED OR ACCEPTED FOR NAMED INDIVIDUALS OR CAUSES AND TO APPROPRIATE FUNDS FOR THE PUBLIC INFORMATION PROGRAM, re-referred to the **Appropriations/Base Budget Committee** on May 30.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 907 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Dalton for the **Education/Higher Education Committee**:

H.B. 1144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION AND TO REDUCE THE NUMBER OF STUDENT AND STATE TEACHER OF THE YEAR ADVISORS TO THE STATE BOARD OF EDUCATION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 4643, which changes the title to read **H.B. 1144** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF THE BOARD OF GOVERNORS, is adopted and engrossed.

Upon motion of Senator Dalton, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

By Senator Hoyle for the **Finance Committee**:

H.B. 1427 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN USE VALUE DEFINITIONS; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO ESTABLISH THE USE VALUE AND LAND TAXATION STUDY COMMISSION; AND TO MAKE CONFORMING CHANGES, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 7688, which changes the title to read **H.B. 1427** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION, is adopted and engrossed.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 685 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY

AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 685, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX, Senate Finance Committee Substitute Adopted 8/7/01, Fourth Edition Engrossed 8/13/01, submit the following report:

The Senate and House agree to the following amendment to the Senate Committee Substitute, Fourth Edition Engrossed 8/13/01, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute, Fourth Edition Engrossed 8/13/01, and substitute the attached Proposed Conference Committee Substitute H685-PCCS6352-SVx-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 4, 2001.

Conferees for the Senate

S/ David W. Hoyle, Chair
S/ Walter Dalton
S/ Virginia Foxx
S/ Allen Wellons

Conferees for the House of Representatives

S/ Pryor A. Gibson III, Chair
S/ Mary L. Jarrell
S/ Daniel F. McComas
S/ Martha B. Alexander
S/ Charles F. Buchanan

The text of the attached Proposed Conference Committee Substitute H685-PCCS6352-SVx-3 is as follows:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

PART I. COUNTY ADMINISTRATIVE PROVISIONS**SECTION 1.** G.S. 153A-155 reads as rewritten:**"§ 153A-155. Uniform provisions for room occupancy taxes.**

(a) Scope. - This section applies only to counties the General Assembly has authorized to levy room occupancy taxes.

(b) Levy. - A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. - Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing county a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. - The taxing county shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the taxing county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the county finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. - A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing county has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. - A room occupancy tax levied by a county may be repealed or reduced by a resolution adopted by the governing body of the county. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to Anson, Avery, Brunswick, Craven, Currituck, Davie, Granville, Madison, Montgomery, Nash, Person, Randolph, Scotland, Stanly, and Transylvania Counties."

PART II. ANSON COUNTY

SECTION 2. Anson Occupancy Tax. (a) Authorization and Scope. - The Anson County Board of Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This

tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.(b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 2.(c) Distribution and Use of Tax Revenue. - Anson County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Anson Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Anson County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. - Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures.

SECTION 3. Anson Tourism Development Authority. (a) Appointment and Membership. - When the board of commissioners adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Anson County shall be the ex officio finance officer of the Authority.

SECTION 3.(b) Duties. - The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

SECTION 3.(c) Reports. - The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART III. MONTGOMERY COUNTY

SECTION 4. Montgomery Occupancy Tax. (a) Authorization and Scope. - The Montgomery County Board of Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or

accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 4.(b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 4.(c) Distribution and Use of Tax Revenue. - Montgomery County shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Montgomery Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Montgomery County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. - Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures.

SECTION 5. Montgomery Tourism Development Authority. (a) Appointment and Membership. - When the board of commissioners adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Montgomery County shall be the ex officio finance officer of the Authority.

SECTION 5.(b) Duties. - The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

SECTION 5.(c) Reports. - The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART IV. STANLY COUNTY

SECTION 6. Stanly Occupancy Tax. (a) Authorization and Scope. - The Stanly County Board of Commissioners may levy a room occupancy tax of up to six percent (6%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 6.(b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

SECTION 6.(c) Distribution and Use of Tax Revenue. - Stanly County shall, on a quarterly basis, remit to the City of Albemarle five-sixths of the gross proceeds of the occupancy tax derived from accommodations in the City of Albemarle. The City of Albemarle shall remit to the Stanly County Tourism Development Authority forty percent (40%) of the proceeds it receives under this subsection. The City of Albemarle shall use the remainder of the proceeds only for tourism-related expenditures.

Stanly County shall remit to each municipality in the county other than the City of Albemarle the net proceeds of the occupancy tax derived from accommodations in that municipality. Each of these municipalities shall remit to the Stanly County Tourism Development Authority each year the greater of one dollar (\$1.00) per capita of the municipality's population or one-half of the amount remitted to the municipality under this subsection. The municipalities shall use the remaining funds received under this subsection only for tourism-related expenditures in the county.

The county shall remit to the Stanly County Tourism Development Authority the greater of twenty-five thousand dollars (\$25,000) a year or one-half of the remaining net proceeds of the occupancy tax.

The Authority shall use the funds remitted to it under this subsection only to promote travel and tourism in Stanly County.

Stanly County shall use the remainder of the net proceeds only for tourism-related expenditures in the county.

SECTION 6.(d) Definitions. - The following definitions apply in this section:

- (1) Net proceeds. - Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed an amount equal to three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the entity making the expenditure, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures.

SECTION 6.(e) Effect on Local Act. - Chapter 915 of the 1991 Session Laws is repealed effective on the effective date of a tax levied under this Part by Stanly County.

SECTION 7. Stanly County Tourism Development Authority. - As used in this Part, the term "Stanly County Tourism Development Authority" means a nonprofit

corporation established for the purpose of promoting travel, tourism, and conventions in the county, sponsoring tourist-related events and activities in the county, and financing tourist-related capital projects in the county. The county and municipalities shall remit funds to the Authority under this Part only pursuant to a contract that requires the Authority to expend the funds to promote travel and tourism in Stanly County. The contract must also require the Authority to report quarterly and at the close of the fiscal year to the board of commissioners and annually to each municipality in the county on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

PART V. BEECH MOUNTAIN

SECTION 8. Chapter 376 of the 1987 Session Laws, as amended by Part XV of Senate Bill 92, 2001 Regular Session, reads as rewritten:

"AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Section 1. Occupancy Tax. The Town Council of Beech Mountain may levy a room occupancy and tourism development ~~tax~~.

~~The occupancy and tourism development tax that may be levied under this act shall be tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation in the Town of Beech Mountain that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. The tax does tax or room occupancy tax. The tax does not apply to sleeping rooms or lodgings furnished by charitable, educational, or religious institutions or nonprofit organizations.~~

Sec. 2. Administration of Tax. ~~-(a) A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section-act.~~

(c) All persons, firms, corporations, and associations who rent either their own dwelling or dwellings or rooms for other persons are required to submit to the town a list of all rental properties. This list shall include the owner's name, current address, and location of rental property. The list shall be submitted semi-annually on or before November 30 and May 30.

Failure to file this listing shall subject the person, firm, corporation or association to a civil penalty.

Sec. 5. Distribution and Use of Tax Revenue. ~~-(a) The Town of Beech Mountain shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Beech Mountain Tourism Development Authority. The Beech Mountain Tourism Development Authority shall use at least two-thirds of the funds remitted to it under this subsection-segregate the funds received under this act into two separate accounts based on the county from which the proceeds were collected. Net proceeds collected under this act from accommodations located in Watauga County shall be credited to a Watauga Proceeds Account, and net proceeds collected under this act from accommodations located in Avery County shall be credited to an Avery Proceeds Account. The Beech Mountain Tourism Development Authority shall segregate the tax proceeds it receives from Beech Mountain District W into a third separate account, the District W Account. The Beech Mountain Tourism Development Authority shall use at least two-thirds of the funds in the Avery Proceeds Account to promote travel and tourism in Beech Mountain and shall use the remainder for tourism-related expenditures.~~

For the first seven years that funds are remitted to the Beech Mountain Tourism Development Authority under this section, the Authority shall use at least one-third of the funds in the Watauga Proceeds Account to promote travel and tourism in Beech Mountain and shall use the remainder for tourism-related expenditures. For funds remitted to it thereafter, the Beech Mountain Tourism Development Authority shall use at least two-

thirds of the funds in the Watauga Proceeds Account to promote travel and tourism in Beech Mountain and shall use the remainder for tourism-related expenditures.

For the first seven years that funds are remitted to the Beech Mountain Tourism Development Authority from Beech Mountain District W, the Authority shall use at least one-third of the funds in the District W Account to promote travel and tourism in Beech Mountain District W and shall use the remainder for tourism-related expenditures for the direct benefit of Beech Mountain District W. For funds remitted to it thereafter, the Beech Mountain Tourism Development Authority shall use at least two-thirds of the funds in the District W Account to promote travel and tourism in Beech Mountain District W and shall use the remainder for tourism-related expenditures for the direct benefit of Beech Mountain District W.

The following definitions apply in this subsection:

- (1) Net proceeds. - Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

Sec. 5.1. Beech Mountain Tourism Development Authority. (a) Appointment and Membership. - When the Beech Mountain Town Council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a town Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The town council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Beech Mountain shall be the ex officio finance officer of the Authority.

Sec. 5.2. Duties. The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 5 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

Sec. 5.3. Reports. The Authority shall report quarterly and at the close of the fiscal year to the Beech Mountain Town Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the town council may require.

Sec. 7. This act is effective upon ratification."

PART VI. CITY ADMINISTRATIVE PROVISIONS

SECTION 9. G.S. 160A-215 reads as rewritten:

"§ 160A-215. Uniform provisions for room occupancy taxes.

(a) Scope. - This section applies only to municipalities the General Assembly has authorized to levy room occupancy taxes. For the purpose of this section, the term "city" means a municipality.

(b) Levy. - A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. - Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing city. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing city shall design, print, and furnish to all appropriate businesses and persons in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing city a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. - The taxing city shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the city finance officer in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the fifteenth day of each month, prepare and render a return on a form prescribed by the taxing city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the city finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. - A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing city has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. - A room occupancy tax levied by a city may be repealed or reduced by a resolution adopted by the governing body of the city. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to Beech Mountain District W, to the Cities of Goldsboro, Greensboro, Lumberton, Mount Airy, Shelby, and Statesville, to the Towns of Banner Elk, Beech Mountain, Mooresville, and St. Pauls, and to the municipalities in Brunswick County."

PART VII. BEECH MOUNTAIN DISTRICT W

SECTION 10.(a) District W Created. - Beech Mountain District W is created as a taxing district. Its jurisdiction consists of that part of the Town of Beech Mountain that is located in Watauga County. Beech Mountain District W is a body politic and corporate and has the power to carry out the provisions of this section. The Beech Mountain Town Council shall serve ex officio as the governing body of the district, and the officers of the town council shall serve as the officers of the governing body of the district. A simple

majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

SECTION 10.(b) Authorization and Scope. - The governing body of Beech Mountain District W may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales or room occupancy tax. This tax does not apply to accommodations furnished by charitable, educational, or religious institutions or nonprofit organizations when furnished in furtherance of their nonprofit purpose.

SECTION 10.(c) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215 as if Beech Mountain District W were a town. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

All persons, firms, corporations, and associations who rent either their own dwelling or dwellings or rooms for other persons are required to submit to the district a list of all rental properties. This list must include the owner's name, current address, and location of rental property. The list must be submitted semiannually on or before November 30 and May 30. Failure to file this list subjects the person, firm, corporation, or association to a civil penalty.

SECTION 10.(d) Distribution and Use of Tax Revenue. - Beech Mountain District W shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Beech Mountain Tourism Development Authority created in Chapter 376 of the 1987 Session Laws, as amended. The Beech Mountain Tourism Development Authority shall use the tax proceeds remitted to it under this act for the purposes provided in Chapter 376 of the 1987 Session Laws, as amended. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of Beech Mountain District W.

For the purposes of this section, "net proceeds" means gross proceeds less the cost to the district of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.

PART VIII. EFFECTIVE DATE

SECTION 11. Parts V and VII of this act become effective the first day of the fourth month after this act becomes law. The remainder of this act is effective when it becomes law.

Upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed on today's Calendar, for adoption.

CALENDAR *(continued)*

H.B. 253 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS, temporarily displaced earlier, upon second reading.

Senator Albertson offers Amendment No. 1 which is adopted (43-0).

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—41.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, October 8, upon third reading.

Upon the appearance of Senator Gulley in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 13 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT INFORMING THEM OF THEIR OPTIONS; TO AMEND THE SURPLUS LINES LAW TO CONFORM IT TO THE GRAMM-LEACH-BLILEY ACT; AND TO CORRECT AN ERROR IN AN AMENDMENT TO THE WORKERS' COMPENSATION ACT.

The Senate Committee Substitute passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 1048 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND WHAT IS REQUIRED AS OF JUNE 30, 2003, WITH CERTAIN EXCEPTION; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES.

The Senate Committee Substitute passes its second (43-1) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 11:05 A.M. subject to the reading of messages from the House of Representatives to reconvene at 11:20 A.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
October 4, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on S.B. 210, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN

October 4, 2001

NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 210 on October 3, the President orders the bill enrolled and sent to the Governor.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Carrington.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill, which is read the first time and disposed of, as follows:

H.B. 644 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

Referred to the **Finance Committee**.

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
October 4, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House is returning HB 1466 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT TROOPS PARTICIPATING IN OPERATIONS ENDURING FREEDOM AND NOBLE EAGLE, AND TO PERMIT LEAVE FOR DISASTER SERVICE VOLUNTEERS.

The bill is not in compliance with House Rule 31(b).

Respectfully,
S/ Denise Weeks
Principal Clerk

October 4, 2001

House of Representatives
October 4, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 382, A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA, and requests conferees,

The Speaker appoints:

Representative Hill,
Representative Russell,
Representative Underhill, and
Representative Coates

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
October 4, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for S.B. 400, A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS, and requests conferees,

The Speaker appoints:

Representative Luebke,
Representative Culpepper,
Representative Baddour,
Representative Buchanan, and
Representative Wainwright

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

October 4, 2001

House of Representatives

October 4, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in House Committee Substitute #2 to SB 470, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS and requests conferees,

The Speaker appoints:

Representative Hackney;
Representative Sutton;
Representative Nesbitt,
Representative Alexander, and
Representative Sherrill

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

WITHDRAWAL FROM CALENDAR

H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, placed on the Calendar for Wednesday, October 17, upon second reading.

Senator Gulley offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Wednesday, October 17, and placed on today's Calendar which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Wednesday, October 17, and places it on today's Calendar.

October 4, 2001

INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Jordan, Soles, Ballantine and Albertson:

S.J.R. 1107, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM GREY SMITH, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

CALENDAR (*continued*)

H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, placed earlier on today's Calendar, upon second reading.

Upon motion of Senator Gulley, the Senate Committee Substitute bill is taken up out of its regular order of business and is placed before the Senate for immediate consideration.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Weinstein and Wellons—38.

Voting in the negative: Senator Carpenter—1.

The Senate Committee Substitute bill remains on the Calendar for Monday, October 8, upon third reading.

The Senate recesses at 11:30 A.M. for the purpose of a Finance Committee meeting to reconvene at 11:35 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

CALENDAR (*continued*)

H.B. 1061 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE PROCESS BY WHICH THE COST OF PROVIDING WATER AND SEWER SERVICE MAY BE ALLOCATED TO A DWELLING UNIT.

The Senate Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

October 4, 2001

S.B. 210, AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 35, AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, AND TO ALLOW THE TOWN OF SWANSBORO TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE TOWN ZONING ORDINANCE.

The Chair grants a leave of absence for the remainder of today's session to Senator Warren.

CALENDAR *(continued)*

H.B. 969 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, temporarily displaced earlier, upon third reading.

Senator Swindell offers Amendment No. 1 which is adopted (40-0).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 29, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Bingham, Dalton, Dannelly, Garrou, Garwood, Gulley, Hagan, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Metcalf, Miller, Odom, Plyler, Purcell, Robinson, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—29.

Voting in the negative: Senators Allran, Ballantine, Berger, Carpenter, Cunningham, Foxx, Harris, Hartsell, Moore and Rucho—10.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 140 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS TO REPORT CHARITABLE CONTRIBUTIONS SOLICITED OR ACCEPTED FOR NAMED INDIVIDUALS OR CAUSES AND TO APPROPRIATE FUNDS FOR THE PUBLIC INFORMATION PROGRAM, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 3950, which

changes the title to read **S.B. 140** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS TO REPORT AD HOC COMMUNITY COLLECTIONS SOLICITED OR ACCEPTED FOR NAMED INDIVIDUALS OR PURPOSES, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 685 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX, placed earlier on today's Calendar, Conference report for adoption.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (38-1).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 1144 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF THE BOARD OF GOVERNORS, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (37-2) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 140 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS TO REPORT AD HOC COMMUNITY COLLECTIONS SOLICITED OR ACCEPTED FOR NAMED INDIVIDUALS OR PURPOSES, placed earlier on today's Calendar.

Senator Gullely offers Amendment No. 1 which is adopted (38-0).

The Chair grants a leave of absence for the remainder of today's session to Senator Hagan.

The Committee Substitute bill No. 2, as amended, passes its second (28-10) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

CONFERENCE REPORT

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on S.B. 352, A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE, Finance Committee Substitute Adopted 4/19/01, submit the following report:

The Senate and the House agree to the following amendment to House Amendment #1 and the Senate concurs in House Amendment #1 as amended:

on page 1, lines 9 through 13 of House Amendment #1,
by rewriting those lines to read:

"subsection shall have the same priority and be collected as unpaid ad valorem taxes.

(b) The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection shall not apply if the person in default can show that the nuisance was created solely by the actions of another.";

The House recesses from House Amendment #2 and House Amendment #3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 4, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ John H. Kerr, Chair
S/ Charles W. Albertson
S/ John A. Garwood
S/ David Hoyle

S/ Philip A. Baddour, Chair
R. Phillip Haire
S/ Larry T. Justus
S/ Paul Miller

Senator Kerr offers a motion that the rules be suspended and that the Conference Report be placed on today's Calendar for immediate consideration.

Upon motion of Senator Kerr, the Conference Report is adopted (37-1).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR *(continued)*

H.B. 106 (Conference Report), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS, Conference report, for adoption.

Upon motion of Senator Hartsell, the Conference report is withdrawn from today's Calendar.

Senator Basnight announces that the conferees appointed to resolve the differences in the Senate Committee Substitute bill are dismissed. A message is ordered sent to the

House of Representatives notifying that Honorable Body of such action.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Bingham.

CONFERENCE REPORT

Senator Wellons, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSURED OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 199, A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT

REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, House Committee Substitute Favorable 8/16/01, Fourth Edition Engrossed 8/29/01, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute S199-PCCS 3939-LN-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 3, 2001.

Conferees for the Senate

S/ Allen H. Wellons
James S. Forrester
S/ William R. Purcell
S/ Anthony E. Rand
S/ Jeanne H. Lucas

Conferees for the House of Representatives

S/ Philip A. Baddour
S/ Edd Nye
S/ Joe Hackney
S/ John W. Hurley
S/ Larry Justus
S/ Wilma Sherrill
S/ Zeno L. Edwards, Jr.
Thomas Wright

The text of the attached Proposed Conference Committee Substitute S199-PCCS 3939-LN-3 is as follows:

A BILL TO BE ENTITLED

AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO

EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS.
The General Assembly of North Carolina enacts:

PART I. PATIENT ACCESS TO MEDICAL ADVICE AND CARE

Subpart A. Continuity of Care in HMOs

SECTION 1. Article 67 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-67-88. Continuity of care.

(a) Definitions. – As used in this section:

(1) 'Ongoing special condition' means:

- a. In the case of an acute illness, a condition that is serious enough to require medical care or treatment to avoid a reasonable possibility of death or permanent harm.
- b. In the case of a chronic illness or condition, a disease or condition that is life-threatening, degenerative, or disabling, and requires medical care or treatment over a prolonged period of time.
- c. In the case of pregnancy, pregnancy from the start of the second trimester.
- d. In the case of a terminal illness, an individual has a medical prognosis that the individual's life expectancy is six months or less.

(2) 'Terminated or termination'. – Includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract by an HMO for failure to meet applicable quality standards or for fraud.

(b) Termination of Provider. – If a contract between an HMO benefit plan that is not a point-of-service plan and a health care provider is terminated by the provider or by the HMO, or benefits or coverage provided by the HMO are terminated because of a change in the terms of provider participation in a health benefit plan of an HMO that is not a point-of-service plan, and an individual is covered by the plan and is undergoing treatment from the provider for an ongoing special condition on the date of the termination, then, the HMO shall:

- (1) Upon termination of the contract by the HMO or upon receipt by the HMO of written notification of termination by the provider, notify the individual on a timely basis of the termination and of the right to elect continuation of coverage of treatment by the provider under this section if the individual has filed a claim with the HMO for services provided by the terminated provider or the individual is otherwise known by the HMO to be a patient of the provider.
- (2) Subject to subsection (h) of this section, permit the individual to elect to continue to be covered with respect to the treatment by the provider of the ongoing special condition during a transitional period provided under this section.

(c) Newly Covered Insured. – Each health benefit plan offered by an HMO that is not a point-of-service plan shall provide transition coverage to individuals who are undergoing treatment from a provider for an ongoing special condition and are newly covered under the health benefit plan because the individual's employer has changed health benefit plans, and the HMO shall:

- (1) Notify the individual on the date of enrollment of the right to elect continuation of coverage of treatment by the provider under this section.
- (2) Subject to subsection (h) of this section, permit the individual to elect to continue to be covered with respect to the treatment by the provider of the ongoing special condition during a transitional period provided under this

section.

(d) Transitional Period: In General. – Except as otherwise provided in subsections (e), (f), and (g) of this section, the transitional period under this subsection shall extend up to 90 days, as determined by the treating health care provider, after the date of the notice to the individual described in subdivision (b)(1) of this section or the date of enrollment in a new plan described in subdivision (c)(1) of this section.

(e) Transitional Period: Scheduled Surgery, Organ Transplantation, or Inpatient Care. – If surgery, organ transplantation, or other inpatient care was scheduled for an individual before the date of the notice required under subdivision (b)(1) of this section, or the date of enrollment in a new plan described in subdivision (c)(1) of this section, or if the individual on that date was on an established waiting list or otherwise scheduled to have the surgery, transplantation, or other inpatient care, the transitional period under this subsection with respect to the surgery, transplantation, or other inpatient care shall extend beyond the period under subsection (d) of this section through the date of discharge of the individual after completion of the surgery, transplantation, or other inpatient care, and through postdischarge follow-up care related to the surgery, transplantation, or other inpatient care occurring within 90 days after the date of discharge.

(f) Transitional Period: Pregnancy. – If an insured has entered the second trimester of pregnancy on the date of the notice required under subdivision (b)(1) of this section, or the date of enrollment in a new plan described in subdivision (c)(1) of this section, and the provider was treating the pregnancy before the date of the notice, or the date of enrollment in the new plan, the transitional period with respect to the provider's treatment of the pregnancy shall extend through the provision of 60 days of postpartum care.

(g) Transitional Period: Terminal Illness. – If an insured was determined to be terminally ill at the time of a provider's termination of participation under subsection (b) of this section, or at the time of enrollment in the new plan under subdivision (c)(1) of this section, and the provider was treating the terminal illness before the date of the termination or enrollment in the new plan, the transitional period shall extend for the remainder of the individual's life with respect to care directly related to the treatment of the terminal illness or its medical manifestations.

(h) Permissible Terms and Conditions. – An HMO may condition coverage of continued treatment by a provider under subdivision (b)(2) or (c)(2) of this section upon the following terms and conditions:

- (1) When care is provided pursuant to subdivision (b)(2) of this section, the provider agrees to accept reimbursement from the HMO and individual involved, with respect to cost-sharing, at the rates applicable before the start of the transitional period as payment in full. When care is provided pursuant to subdivision (c)(2) of this section, the provider agrees to accept the prevailing rate based on contracts the insurer has with the same or similar providers in the same or similar geographic area, plus the applicable copayment, as reimbursement in full from the HMO and the insured for all covered services.
- (2) The provider agrees to comply with the quality assurance programs of the HMO responsible for payment under subdivision (1) of this subsection and to provide to the HMO necessary medical information related to the care provided. The quality assurance programs shall not override the professional or ethical responsibility of the provider or interfere with the provider's ability to provide information or assistance to the patient.
- (3) The provider agrees otherwise to adhere to the HMO's established policies and procedures for participating providers, including procedures regarding referrals and obtaining prior authorization, providing services pursuant to a treatment plan, if any, approved by the HMO, and member hold harmless provisions.
- (4) The insured or the insured's representative notifies the HMO within 45 days of

the date of the notice described in subdivision (b)(1) of this section or the new enrollment described in subdivision (c)(1) of this section, that the insured elects to continue receiving treatment by the provider.

- (5) The provider agrees to discontinue providing services at the end of the transition period pursuant to this section and to assist the insured in an orderly transition to a network provider. Nothing in this section shall prohibit the insured from continuing to receive services from the provider at the insured's expense.

(i) Construction. – Nothing in this section:

- (1) Requires the coverage of benefits that would not have been covered if the provider involved remained a participating provider or, in the case of a newly covered insured, requires the coverage of benefits not provided under the new policy under which the person is covered.
- (2) Requires an HMO to offer a transitional period when the HMO terminates a provider's contract for reasons relating to quality of care or fraud; and refusal to offer a transitional period under these circumstances is not subject to the grievance review provisions of G.S. 58-50-62.
- (3) Prohibits an HMO from extending any transitional period beyond that specified in this section.
- (4) Prohibits an HMO from terminating the continuing services of a provider as described in this section when the HMO has determined that the provider's continued provision of services may result in, or is resulting in, a serious danger to the health or safety of the insured. Such terminations shall be in accordance with the contract provisions that the provider would otherwise be subject to if the provider's contract were still in effect.

(j) Disclosure of Right to Transitional Period. – Each HMO shall include a clear description of an insured's rights under this section in its evidence of coverage and summary plan description."

Subpart B. Extended or Standing Referral to Specialist

SECTION 1.2. G.S. 58-3-223 reads as rewritten:

"§ 58-3-223. Managed care access to specialist care.

(a) Each insurer offering a health benefit plan that does not allow direct access to all in-plan specialists shall develop and maintain written policies and procedures by which an insured may receive an extended or standing referral to an in-plan specialist. ~~The procedure insurer shall provide for an extended or standing referral to a specialist if the insured has a serious or chronic degenerative, disabling, or life-threatening disease or condition, which in the opinion of the insured's primary care physician, in consultation with the specialist, requires ongoing specialty care. The extended or standing referral shall be for a period not to exceed 12 months and shall be made under a treatment plan coordinated with the insurer in consultation with the primary care physician, the specialist, and the insured or the insured's designee.~~

(b) As used in this section:

- (1) ~~'Health benefit plan' has the meaning applied in G.S. 58-3-167, means an accident and health insurance policy or certificate; a nonprofit hospital or medical service corporation contract; a health maintenance organization subscriber contract; a plan provided by a multiple employer welfare arrangement; or a plan provided by another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, as amended, or by any waiver of or other exception to that Act provided under federal law or regulation. 'Health benefit plan' does not mean any plan~~

~~implemented or administered by the North Carolina Department of Health and Human Services or the United States Department of Health and Human Services, or any successor agency, or its representatives. 'Health benefit plan' also does not mean any of the following kinds of insurance:~~

- ~~a. Accident.~~
 - ~~b. Credit.~~
 - ~~c. Disability income.~~
 - ~~d. Long term care or nursing home care.~~
 - ~~e. Medicare supplement.~~
 - ~~f. Specified disease.~~
 - ~~g. Dental or vision.~~
 - ~~h. Coverage issued as a supplement to liability insurance.~~
 - ~~i. Workers' compensation.~~
 - ~~j. Medical payments under automobile or homeowners.~~
 - ~~k. Hospital income or indemnity.~~
 - ~~l. Insurance under which benefits are payable with or without regard to fault and that are statutorily required to be contained in any liability policy or equivalent self insurance.~~
- (2) ~~'Insurer' means an entity that writes a health benefit plan and that is an insurance company subject to this Chapter, a service corporation under Article 65 of this Chapter, or a health maintenance organization under Article 67 of this Chapter, or a multiple employer welfare arrangement under Article 49 of this Chapter has the meaning applied in G.S. 58-3-167.~~
- (3) ~~'Serious or chronic degenerative, disabling, or life-threatening disease or condition' means a disease or condition, which in the opinion of the patient's treating primary care physician and specialist, requires frequent and periodic monitoring and consultation with the specialist on an ongoing basis.~~
- (4) ~~'Specialist' includes a subspecialist."~~

SECTION 1.2A. G.S. 58-3-200(d) reads as rewritten:

"(d) Services Outside Provider Networks. – No insurer shall penalize an insured or subject an insured to the out-of-network benefit levels offered under the insured's approved health benefit ~~plan plan~~, including an insured receiving an extended or standing referral under G.S. 58-3-223, unless contracting health care providers able to meet health needs of the insured are reasonably available to the insured without unreasonable delay."

Subpart C. Selection of Specialist as Primary Care Physician

SECTION 1.3. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-235. Selection of specialist as primary care provider.

(a) Each insurer that offers a health benefit plan shall have a procedure by which an insured diagnosed with a serious or chronic degenerative, disabling, or life-threatening disease or condition, either of which requires specialized medical care may select as his or her primary care physician a specialist with expertise in treating the disease or condition who shall be responsible for and capable of providing and coordinating the insured's primary and specialty care. If the insurer determines that the insured's care would not be appropriately coordinated by that specialist, the insurer may deny access to that specialist as a primary care provider.

(b) The selection of the specialist shall be made under a treatment plan approved by the insurer, in consultation with the specialist and the insured or the insured's designee and after notice to the insured's primary care provider, if any. The specialist may provide ongoing care to the insured and may authorize such referrals, procedures, tests, and other

medical services as the insured's primary care provider would otherwise be allowed to provide or authorize, subject to the terms of the treatment plan. Services provided by a specialist who is providing and coordinating primary and specialty care remain subject to utilization review and other requirements of the insurer, including its requirements for primary care providers."

Subpart D. Direct Access to Pediatrician

SECTION 1.4. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-240. Direct access to pediatrician for minors.

Each insurer offering a health benefit plan that uses a network of contracting health care providers shall allow an insured to choose a contracting pediatrician in the network as the primary care provider for the insured's children under the age of 18 and covered under the policy."

Subpart E. Access to Prescription Drugs

SECTION 1.5. G.S. 58-3-221 reads as rewritten:

"§ 58-3-221. Access to nonformulary and restricted access prescription drugs.

(a) If an insurer maintains one or more closed formularies for or restricts access to covered prescription drugs or devices, then the insurer shall do all of the following:

- (1) Develop the formulary or formularies and any restrictions on access to covered prescription drugs or devices in consultation with and with the approval of a pharmacy and therapeutics committee, which shall include participating ~~providers—physicians~~ who are licensed to ~~prescribe prescription drugs or devices~~ practice medicine in this State.
- (2) Make available to participating ~~providers and pharmacists~~ providers, pharmacists, and enrollees the complete drugs or devices formulary or formularies maintained by the insurer including a list of the devices and prescription drugs on the formulary by major therapeutic category that specifies whether a particular drug or device is preferred over other drugs or devices.
- (3) Establish and maintain an expeditious process or procedure that allows an enrollee or the enrollee's physician acting on behalf of the enrollee to obtain, without penalty or additional cost-sharing beyond that provided for in the health benefit plan, coverage for a specific nonformulary drug or device determined to be medically necessary and appropriate by the enrollee's participating physician without prior approval from the insurer, after the enrollee's participating physician notifies the insurer that:
 - a. Either (i) the formulary alternatives have been ineffective in the treatment of the enrollee's disease or condition, or (ii) the formulary alternatives cause or are reasonably expected by the physician to cause a harmful or adverse clinical reaction in the enrollee; and
 - b. Either (i) the drug is prescribed in accordance with any applicable clinical protocol of the insurer for the prescribing of the drug, or (ii) the drug has been approved as an exception to the clinical protocol pursuant to the insurer's exception procedure.
- (4) Provide coverage for a restricted access drug or device to an enrollee without requiring prior approval or use of a nonrestricted formulary drug if an enrollee's physician certifies in writing that the enrollee has previously used an alternative nonrestricted access drug or device and the alternative drug or

device has been detrimental to the enrollee's health or has been ineffective in treating the same condition and, in the opinion of the prescribing physician, is likely to be detrimental to the enrollee's health or ineffective in treating the condition again.

(b) An insurer may not void a contract or refuse to renew a contract between the insurer and a prescribing provider because the prescribing provider has prescribed a medically necessary and appropriate nonformulary or restricted access drug or device as provided in this section.

(c) As used in this section:

(1) 'Closed formulary' means a list of prescription drugs and devices reimbursed by the insurer that excludes coverage for drugs and devices not listed.

(1a) ~~'Health benefit plan' has definition provided in G.S. 58-3-167. means an accident and health insurance policy or certificate; a nonprofit hospital or medical service corporation contract; a health maintenance organization subscriber contract; a plan provided by a multiple employer welfare arrangement; or a plan provided by another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, as amended, or by any waiver of or other exception to that Act provided under federal law or regulation. 'Health benefit plan' does not mean any plan implemented or administered by the North Carolina Department of Health and Human Services or the United States Department of Health and Human Services, or any successor agency, or its representatives. 'Health benefit plan' also does not mean any of the following kinds of insurance:~~

~~a. Accident.~~

~~b. Credit.~~

~~c. Disability income.~~

~~d. Long-term care or nursing home care.~~

~~e. Medicare supplement.~~

~~f. Specified disease.~~

~~g. Dental or vision.~~

~~h. Coverage issued as a supplement to liability insurance.~~

~~i. Workers' compensation.~~

~~j. Medical payments under automobile or homeowners.~~

~~k. Hospital income or indemnity.~~

~~l. Insurance under which benefits are payable with or without regard to fault and that are statutorily required to be contained in any liability policy or equivalent self insurance.~~

(2) ~~'Insurer' has the meaning provided in G.S. 58-3-167. means an entity that writes a health benefit plan and that is an insurance company subject to this Chapter, a service corporation organized under Article 65 of this Chapter, a health maintenance organization organized under Article 67 of this Chapter, or a multiple employer welfare arrangement under Article 49 of this Chapter.~~

(3) 'Restricted access drug or device' means those covered prescription drugs or devices for which reimbursement by the insurer is conditioned on the insurer's prior approval to prescribe the drug or device or on the provider prescribing one or more alternative drugs or devices before prescribing the drug or device in question.

(d) Nothing in this section requires an insurer to pay for drugs or devices or classes of drugs or devices related to a benefit that is specifically excluded from coverage by the insurer."

Subpart F. Managed Care Patient Assistance Program

SECTION 1.6. Chapter 143 of the General Statutes is amended by adding the following new Article to read:

"Article 77.

"Managed Care Patient Assistance Program.

"§ 143-730. Managed Care Patient Assistance Program.

(a) The Office of Managed Care Patient Assistance Program is established in an existing State agency or department designated by the Governor. The Director of the Office of Managed Care Patient Assistance Program shall be appointed by the Governor.

(b) The Managed Care Patient Assistance Program shall provide information and assistance to individuals enrolled in managed care plans. The Managed Care Patient Assistance Program shall have expertise and experience in both health care and advocacy and will assume the specific duties and responsibilities set forth in subsection (c) of this section.

(c) The duties and responsibilities of the Managed Care Patient Assistance Program are as follows:

- (1) Develop and distribute educational and informational materials for consumers, explaining their rights and responsibilities as managed care plan enrollees.
- (2) Answer inquiries posed by consumers and refer inquiries of a regulatory nature to staff within the Department of Insurance.
- (3) Advise managed care plan enrollees about the utilization review process.
- (4) Assist enrollees with the grievance, appeal, and external review procedures established by Article 50 of Chapter 58 of the General Statutes.
- (5) Publicize the Office of the Managed Care Patient Assistance Program.
- (6) Compile data on the activities of the Office and evaluate such data to make recommendations as to the needed activities of the Office.

(d) The Director of the Managed Care Patient Assistance Program shall annually report the activities of the Managed Care Patient Assistance Program, including the types of appeals, grievances, and complaints received and the outcome of these cases. The report shall be submitted to the General Assembly, upon its convening or reconvening, and shall make recommendations as to efforts that could be implemented to assist managed care consumers."

Subpart G. No Discrimination in the Selection of Providers

SECTION 1.7. G.S. 58-50-30, as amended by Section 1 of S.L. 2001-297, reads as rewritten:

"§ 58-50-30. Right to choose services of optometrist, podiatrist, certified clinical social worker, certified substance abuse professional, licensed professional counselor, dentist, chiropractor, psychologist, pharmacist, certified fee-based practicing pastoral counselor, advanced practice nurse, or physician assistant.

(a1) Whenever any health benefit plan, subscriber contract, or policy of insurance issued by a health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through ~~65-67~~ of this Chapter provides for coverage for, payment of or of, or reimbursement for any service rendered in connection with a condition or complaint that is within the scope of practice of a duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly certified clinical social worker, a duly certified substance abuse professional, a duly licensed professional counselor, a duly licensed psychologist, a duly licensed pharmacist, a duly certified fee-based practicing pastoral counselor, a duly licensed physician assistant, or an advanced practice registered nurse, the insured or other persons entitled to

benefits under the policy shall be entitled to coverage of, payment of or of, or reimbursement for the services, whether the services be performed by a duly licensed physician, or a provider listed in this subsection, notwithstanding any provision contained in the policy, plan or policy limiting access to the providers. The policyholder, insured, or beneficiary shall have the right to choose the provider of services notwithstanding any provision to the contrary in any other statute, subject to the utilization review, referral, and prior approval requirements of the plan that apply to all providers for that service; provided that:

- (1) In the case of plans that require the use of network providers as a condition of obtaining benefits under the plan or policy, the policyholder, insured, or beneficiary must choose a provider of the services within the network; and
- (2) In the case of plans that require the use of network providers as a condition of obtaining a higher level of benefits under the plan or policy, the policyholder, insured, or beneficiary must choose a provider of the services within the network in order to obtain the higher level of benefits.

(a2) Whenever any policy of insurance governed by Articles 1 through ~~6564~~ of this Chapter provides for certification of disability that is within the scope of practice of a duly licensed physician, a duly licensed physician assistant, a duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly certified clinical social worker, a duly certified substance abuse professional, a duly licensed professional counselor, a duly licensed psychologist, a duly certified fee-based practicing pastoral counselor, or an advanced practice registered nurse, the insured or other persons entitled to benefits under the policy shall be entitled to payment of or reimbursement for the disability whether the disability be certified by a duly licensed physician, or a provider listed in this subsection, notwithstanding any provisions contained in the policy. The policyholder, insured, or beneficiary shall have the right to choose the provider of the services notwithstanding any provision to the contrary in any other ~~statute statute~~; provided that for plans that require the use of network providers either as a condition of obtaining benefits under the plan or policy or to access a higher level of benefits under the plan or policy, the policyholder, insured, or beneficiary must choose a provider of the services within the network, subject to the requirements of the plan or policy.

(a3) Whenever any health benefit plan, subscriber contract, or policy of insurance issued by a health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter provides coverage for medically necessary treatment, the insurer shall not impose any limitation on treatment or levels of coverage if performed by a duly licensed chiropractor acting within the scope of the chiropractor's practice as defined in G.S. 90-151 unless a comparable limitation is imposed on the medically necessary treatment if performed or authorized by any other duly licensed physician.

(b) For the purposes of this section, a "duly licensed psychologist" is a licensed psychologist who holds permanent licensure and certification as a health services provider psychologist issued by the North Carolina Psychology Board.

(c) For the purposes of this section, a "duly certified clinical social worker" is a "certified clinical social worker" as defined in G.S. 90B-3(2) and certified by the North Carolina Certification Board for Social Work pursuant to Chapter 90B of the General Statutes.

(c1) For purposes of this section, a "duly certified fee-based practicing pastoral counselor" shall be defined only to include fee-based practicing pastoral counselors certified by the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors pursuant to Article 26 of Chapter 90 of the General Statutes.

(c2) For purposes of this section, a "duly certified substance abuse professional" is a person certified by the North Carolina Substance Abuse Professional Certification Board

pursuant to Article 5C of Chapter 90 of the General Statutes.

(c3) For purposes of this section, a "duly licensed professional counselor" is a person licensed by the North Carolina Board of Licensed Professional Counselors pursuant to Article 24 of Chapter 90 of the General Statutes.

(d) Payment or reimbursement is required by this section for a service performed by an advanced practice registered nurse only when:

- (1) The service performed is within the nurse's lawful scope of practice;
- (2) The policy currently provides benefits for identical services performed by other licensed health care providers;
- (3) The service is not performed while the nurse is a regular employee in an office of a licensed physician;
- (4) The service is not performed while the registered nurse is employed by a nursing facility (including a hospital, skilled nursing facility, intermediate care facility, or home care agency); and
- (5) Nothing in this section is intended to authorize payment to more than one provider for the same service.

No lack of signature, referral, or employment by any other health care provider may be asserted to deny benefits under this ~~provision~~ provision, unless these plan requirements apply to all providers for that service.

For purposes of this section, an "advanced practice registered nurse" means only a registered nurse who is duly licensed or certified as a nurse practitioner, clinical specialist in psychiatric and mental health nursing, or nurse midwife.

(e) Payment or reimbursement is required by this section for a service performed by a duly licensed pharmacist only when:

- (1) The service performed is within the lawful scope of practice of the pharmacist;
- (2) The service performed is not initial counseling services required under State or federal law or regulation of the North Carolina Board of Pharmacy;
- (3) The policy currently provides reimbursement for identical services performed by other licensed health care providers; and
- (4) The service is identified as a separate service that is performed by other licensed health care providers and is reimbursed by identical payment methods.

Nothing in this subsection authorizes payment to more than one provider for the same service.

(f) Payment or reimbursement is required by this section for a service performed by a duly licensed physician assistant only when:

- (1) The service performed is within the lawful scope of practice of the physician assistant in accordance with rules adopted by the North Carolina Medical Board pursuant to G.S. 90-18.1;
- (2) The policy currently provides reimbursement for identical services performed by other licensed health care providers; and
- (3) The reimbursement is made to the physician, clinic, agency, or institution employing the physician assistant.

Nothing in this subsection is intended to authorize payment to more than one provider for the same service. For the purposes of this section, a "duly licensed physician assistant" is a physician assistant as defined by G.S. 90-18.1.

(g) A health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter shall not exclude from participation in its provider network or from eligibility to provide particular covered services under the plan or policy any duly licensed physician or provider listed in subsection (a1) of this section, acting within the scope of the provider's license or certification under North Carolina law, solely on the basis of the provider's license or certification. Any health maintenance organization, hospital or medical service

corporation, or insurer governed by Articles 1 through 67 of this Chapter that offers coverage through a network plan may condition participation in the network on satisfying written participation criteria, including credentialing, quality, and accessibility criteria. The participation criteria shall be developed and applied in a like manner consistent with the licensure and scope of practice for each type of provider. Any health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter that excludes a provider listed in subsection (a1) of this section from participation in its network or from eligibility to provide particular covered services under the plan or policy shall provide the affected listed provider with a written explanation of the basis for its decision. A health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter shall not exclude from participation in its provider network a provider listed in subsection (a1) of this section acting within the scope of the provider's license or certification under North Carolina law solely on the basis that the provider lacks hospital privileges, unless use of hospital services by the provider on behalf of a policy holder, insured, or beneficiary reasonably could be expected.

(h) Nothing in this section shall be construed as expanding the scope of practice of any duly licensed physician or provider listed in subsection (a1) of this section."

Subpart H. Prohibition on Provider Incentives

SECTION 1.8. Article 3 of Chapter 58 of the General Statutes is amended by adding the following new section to read:

"§ 58-3-265. Prohibition on managed care provider incentives.

An insurer offering a health benefit plan may not offer or pay any type of material inducement, bonus, or other financial incentive to a participating provider to deny, reduce, withhold, limit, or delay specific medically necessary and appropriate health care services covered under the health benefit plan to a specific insured or enrollee. This section does not prohibit insurers from paying a provider on a capitated basis or withholding payment or paying a bonus based on the aggregate services rendered by the provider or the insurer's financial performance."

PART II. HEALTH PLAN DISCLOSURES

Subpart A. Managed Care Reporting and Disclosure Requirements

SECTION 2.1. G.S. 58-3-191(b) reads as rewritten:

"(b) Disclosure requirements. – Each health benefit plan shall provide the following applicable information to plan participants and bona fide prospective participants upon request:

- (1) The evidence of coverage (G.S. 58-67-50), subscriber contract (G.S. 58-65-60, 58-65-140), health insurance policy (G.S. 58-51-80, 58-50-125, 58-50-55), or the contract and benefit summary of any other type of health benefit plan;
- (2) An explanation of the utilization review criteria and treatment protocol under which treatments are provided for conditions specified by the prospective participant. This explanation shall be in writing if so requested;
- (3) If denied a recommended treatment, written reasons for the denial and an explanation of the utilization review criteria or treatment protocol upon which the denial was based;
- (4) The plan's ~~restrictive formularies~~ formularies, restricted access drugs or devices as defined in G.S. 58-3-221, or prior approval requirements for obtaining prescription drugs, whether a particular drug or therapeutic class of drugs is

- excluded from its formulary, and the circumstances under which a nonformulary drug may be covered; and
- (5) The plan's procedures and medically based criteria for determining whether a specified procedure, test, or treatment is experimental."

Subpart B. Provider Directory Information

SECTION 2.2. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-245. Provider directories.

(a) Every health benefit plan utilizing a provider network shall maintain a provider directory that includes a listing of network providers available to insureds and shall update the listing no less frequently than once a year. In addition, every health benefit plan shall maintain a telephone system and may maintain an electronic or on-line system through which insureds can access up-to-date network information. If the health benefit plan produces printed directories, the directories shall contain language disclosing the date of publication, frequency of updates, that the directory listing may not contain the latest network information, and contact information for accessing up-to-date network information.

(b) Each directory listing shall include the following network information:

- (1) The provider's name, address, telephone number, and, if applicable, area of specialty.
- (2) Whether the provider may be selected as a primary care provider.
- (3) To the extent known to the health benefit plan, an indication of whether the provider:
 - a. Is or is not currently accepting new patients.
 - b. Has any other restrictions that would limit an insured's access to that provider.

(c) The directory listing shall include all of the types of participating providers. Upon a participating provider's written request, the insurer shall also list in the directory, as part of the participating provider's listing, the names of any allied health professionals who provide primary care services under the supervision of the participating provider and whose services are covered by virtue of the insurer's contract with the supervising participating provider and whose credentials have been verified by the supervising participating provider. These allied health professionals shall be listed as a part of the directory listing for the participating provider upon receipt of a certification by the supervising participating provider that the credentials of the allied health professional have been verified consistent with the requirements for the type of information required to be verified under G.S. 58-3-230."

Subpart C. Disclosure of Payment Obligations

SECTION 2.3. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-250. Payment obligations for covered services.

(a) If an insurer calculates a benefit amount for a covered service under a health benefit plan through a method other than a fixed dollar co-payment, the insurer shall clearly explain in its evidence of coverage and plan summaries how it determines its payment obligations and the payment obligations of the insured. The explanation shall include:

- (1) An example of the steps the insurer would take in calculating the benefit amount and the payment obligations of each party.

(2) Whether the insurer has obtained the agreement of health care providers not to bill an insured for any amounts by which a provider's charge exceeds the insurer's recognized charge for a covered service and whether the insured may be liable for paying any excess amount.

(3) Which party is responsible for filing a claim or bill with the insurer.

(b) If an insured is liable for an amount that differs from a stated fixed dollar co-payment or may differ from a stated coinsurance percentage because the coinsurance amount is based on a plan allowance or other such amount rather than the actual charges and providers are permitted to balance bill the insured, the evidence of coverage, plan summaries, and marketing and advertising materials that include information on benefit levels shall contain the following statement: 'NOTICE: Your actual expenses for covered services may exceed the stated [coinsurance percentage or co-payment amount] because actual provider charges may not be used to determine [plan/insurer or similar term] and [insured/member/enrollee or similar term] payment obligations.'"

PART III. MANDATED BENEFITS

Subpart A. Clinical Trials

SECTION 3.1. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-255. Coverage of clinical trials.

(a) As used in this section:

(1) 'Covered clinical trials' means phase II, phase III, and phase IV patient research studies designed to evaluate new treatments, including prescription drugs, and that: (i) involve the treatment of life-threatening medical conditions, (ii) are medically indicated and preferable for that patient compared to available noninvestigational treatment alternatives, and (iii) have clinical and preclinical data that shows the trial will likely be more effective for that patient than available noninvestigational alternatives. Covered clinical trials must also meet the following requirements:

a. Must involve determinations by treating physicians, relevant scientific data, and opinions of experts in relevant medical specialties.

b. Must be trials approved by centers or cooperative groups that are funded by the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control, the Agency for Health Care Research and Quality, the Department of Defense, or the Department of Veterans Affairs. The health benefit plan may also cover clinical trials sponsored by other entities.

c. Must be conducted in a setting and by personnel that maintain a high level of expertise because of their training, experience, and volume of patients.

(2) 'Health benefit plan' is defined by G.S. 58-3-167.

(3) 'Insurer' is defined by G.S. 58-3-167.

(b) Each health benefit plan shall provide coverage for participation in phase II, phase III, and phase IV covered clinical trials by its insureds or enrollees who meet protocol requirements of the trials and provide informed consent.

(c) Only medically necessary costs of health care services, as defined in G.S. 58-50-61, associated with participation in a covered clinical trial, including those related to health care services typically provided absent a clinical trial, the diagnosis and treatment of complications, and medically necessary monitoring, are required to be covered by the health benefit plan and only to the extent that such costs have not been or are not funded by national agencies, commercial manufacturers, distributors, or other research sponsors

of participants in clinical trials. Nothing in this section shall be construed to require a health benefit plan to pay or reimburse for non-FDA approved drugs provided or made available to a patient who received the drug during a covered clinical trial after the clinical trial has been discontinued.

(d) Clinical trial costs not required to be covered by a health benefit plan include the costs of services that are not health care services, those provided solely to satisfy data collection and analysis needs, those related to investigational drugs and devices, and those that are not provided for the direct clinical management of the patient. In the event a claim contains charges related to services for which coverage is required under this section, and those charges have not been or cannot be separated from costs related to services for which coverage is not required under this section, the health benefit plan may deny the claim."

Subpart B. Newborn Hearing Screening

SECTION 3.2. Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-260. Insurance coverage for newborn hearing screening mandated.

(a) As used in this section, the terms 'health benefit plan' and 'insurer' have the meanings applied under G.S. 58-3-167.

(b) Each health benefit plan shall provide coverage for newborn hearing screening ordered by the attending physician pursuant to G.S. 130A-125. The same deductibles, coinsurance, reimbursement methodologies, and other limitations and administrative procedures as apply to similar services covered under the health benefit plan shall apply to coverage for newborn hearing screening."

PART IV. EXTERNAL REVIEW AND MANAGED CARE ENTITY LIABILITY

Subpart A. Independent, External Review Process

SECTION 4.1. The title of Article 50 of Chapter 58 of the General Statutes reads as rewritten:

"Article 50.

General Accident and Health Insurance Regulations."

SECTION 4.2. Article 50 of Chapter 58 of the General Statutes is amended as follows:

- (1) By designating G.S. 58-50-1 through G.S. 58-50-45 as Part 1 with the heading "Miscellaneous Provisions."
- (2) By designating G.S. 58-50-50 through G.S. 58-50-64 as Part 2 with the heading "PPOs, Utilization Review and Grievances."
- (3) By designating G.S. 58-50-65 through G.S. 58-50-70 as Part 3 with the heading "Scope and Sanctions."
- (4) By designating G.S. 58-50-75 through G.S. 58-50-95 as Part 4 with the heading "Health Benefit Plan External Review."
- (5) By designating G.S. 58-50-100 through G.S. 58-50-156 as Part 5 with the heading "Small Employer Group Health Insurance Reform."

SECTION 4.3. G.S. 58-50-151 is recodified as G.S. 58-51-116.

SECTION 4.4. The prefatory language of G.S. 58-50-61(a) reads as rewritten:

"(a) Definitions. – As used in this ~~section and~~ section, in G.S. 58-50-62, and in Part 4 of this Article, the term:"

SECTION 4.5. Article 50 of Chapter 58 of the General Statutes is amended by adding a new Part to read:

"Part 4. Health Benefit Plan External Review.

"§ 58-50-75. Purpose, scope, and definitions.

(a) The purpose of this Part is to provide standards for the establishment and maintenance of external review procedures to assure that covered persons have the opportunity for an independent review of an appeal decision upholding a noncertification or a second-level grievance review decision upholding a noncertification, as defined in this Part.

(b) This Part applies to all insurers that offer a health benefit plan and that provide or perform utilization review pursuant to G.S. 58-50-61, the Teachers' and State Employees' Comprehensive Major Medical Plan, and the Health Insurance Program for Children. With respect to second-level grievance review decisions, this Part applies only to second-level grievance review decisions involving noncertification decisions.

(c) In addition to the definitions in G.S. 58-50-61(a), as used in this Part:

- (1) 'Covered benefits' or 'benefits' means those benefits consisting of medical care, provided directly through insurance or otherwise and including items and services paid for as medical care, under the terms of a health benefit plan.
- (2) 'Covered person' means a policyholder, subscriber, enrollee, or other individual covered by a health benefit plan. 'Covered person' includes another person, including the covered person's health care provider, acting on behalf of the covered person. Nothing in this subdivision shall require the covered person's health care provider to act on behalf of the covered person.
- (3) 'Independent review organization' or 'organization' means an entity that conducts independent external reviews of appeals of noncertifications and second-level grievance review decisions.

"§ 58-50-76: Reserved.

"§ 58-50-77. Notice of right to external review.

(a) An insurer shall notify the covered person in writing of the covered person's right to request an external review and include the appropriate statements and information set forth in this section at the time the insurer sends written notice of:

- (1) A noncertification decision under G.S. 58-50-61;
- (2) An appeal decision under G.S. 58-50-61 upholding a noncertification; and
- (3) A second-level grievance review decision under G.S. 58-50-62 upholding the original noncertification.

(b) The insurer shall include in the notice required under subsection (a) of this section for a notice related to a noncertification decision under G.S. 58-50-61, a statement informing the covered person that if the covered person has a medical condition where the time frame for completion of an expedited review of an appeal decision involving a noncertification decision under G.S. 58-50-61 would reasonably be expected to seriously jeopardize the life or health of the covered person or jeopardize the covered person's ability to regain maximum function, then the covered person may file a request for an expedited external review under G.S. 58-50-82 at the same time the covered person files a request for an expedited review of an appeal involving a noncertification decision under G.S. 58-50-61, but that the Commissioner will determine whether the covered person shall be required to complete the expedited review of the grievance before conducting the expedited external review.

(c) The insurer shall include in the notice required under subsection (a) of this section for a notice related to an appeal decision under G.S. 58-50-61, a statement informing the covered person that:

- (1) If the covered person has a medical condition where the time frame for completion of an expedited review of a grievance involving an appeal decision under G.S. 58-50-61 would reasonably be expected to seriously jeopardize the life or health of the covered person or jeopardize the covered

person's ability to regain maximum function, the covered person may file a request for an expedited external review under G.S. 58-50-82 at the same time the covered person files a request for an expedited review of a grievance involving an appeal decision under G.S. 58-50-62, but that the Commissioner will determine whether the covered person shall be required to complete the expedited review of the grievance before conducting the expedited external review.

- (2) If the covered person has not received a written decision from the insurer within 60 days after the date the covered person files the second-level grievance with the insurer pursuant to G.S. 58-50-62 and the covered person has not requested or agreed to a delay, the covered person may file a request for external review under G.S. 58-50-80 and shall be considered to have exhausted the insurer's internal grievance process for purposes of G.S. 58-50-79.

(d) The insurer shall include in the notice required under subsection (a) of this section for a notice related to a final second-level grievance review decision under G.S. 58-50-62, a statement informing the covered person that:

- (1) If the covered person has a medical condition where the time frame for completion of a standard external review under G.S. 58-50-80 would reasonably be expected to seriously jeopardize the life or health of the covered person or jeopardize the covered person's ability to regain maximum function, the covered person may file a request for an expedited external review under G.S. 58-50-82; or
- (2) If the second-level grievance review decision concerns an admission, availability of care, continued stay, or health care service for which the covered person received emergency services but has not been discharged from a facility, the covered person may request an expedited external review under G.S. 58-50-82.

(e) In addition to the information to be provided under this section, the insurer shall include a copy of the description of both the standard and expedited external review procedures the insurer is required to provide under G.S. 58-50-93, including the provisions in the external review procedures that give the covered person the opportunity to submit additional information.

"§ 58-50-78: Reserved.

"§ 58-50-79. Exhaustion of internal grievance process.

(a) Except as provided in G.S. 58-50-82, a request for an external review under G.S. 58-50-80 or G.S. 58-50-82 shall not be made until the covered person has exhausted the insurer's internal appeal and grievance processes under G.S. 58-50-61 and G.S. 58-50-62.

(b) A covered person shall be considered to have exhausted the insurer's internal grievance process for purposes of this section, if the covered person:

- (1) Has filed a second-level grievance involving a noncertification appeal decision under G.S. 58-50-61 and G.S. 58-50-62, and
- (2) Except to the extent the covered person requested or agreed to a delay, has not received a written decision on the grievance from the insurer within 60 days since the date the covered person filed the grievance with the insurer.

(c) Notwithstanding subsection (b) of this section, a covered person may not make a request for an external review of a noncertification involving a retrospective review determination made under G.S. 58-50-61 until the covered person has exhausted the insurer's internal grievance process.

(d) A request for an external review of a noncertification may be made before the covered person has exhausted the insurer's internal grievance and appeal procedures under G.S. 58-50-61 and G.S. 58-50-62 whenever the insurer agrees to waive the exhaustion

requirement. If the requirement to exhaust the insurer's internal grievance procedures is waived, the covered person may file a request in writing for a standard external review as set forth in G.S. 58-50-80 or may make a request for an expedited external review as set forth in G.S. 58-50-82. In addition, the insurer may choose to eliminate the second-level grievance review under G.S. 58-50-62. In such case, the covered person may file a request in writing for a standard external review under G.S. 58-50-80 or may make a request for an expedited external review as set forth in G.S. 58-50-82 within 60 days after receiving notice of an appeal decision upholding a noncertification.

"§ 58-50-80. Standard external review.

(a) Within 60 days after the date of receipt of a notice under G.S. 58-50-77, a covered person may file a request for an external review with the Commissioner.

(b) Upon receipt of a request for an external review under subsection (a) of this section, the Commissioner shall, within 10 business days, complete all of the following:

- (1) Notify and send a copy of the request to the insurer that made the decision which is the subject of the request. The notice shall include a request for any information that the Commissioner requires to conduct the preliminary review under subdivision (2) of this subsection and require that the insurer deliver the requested information to the Commissioner within three business days of receipt of the notice.
- (2) Conduct a preliminary review of the request to determine whether:
 - a. The individual is or was a covered person in the health benefit plan at the time the health care service was requested or, in the case of a retrospective review, was a covered person in the health benefit plan at the time the health care service was provided.
 - b. The health care service that is the subject of the noncertification appeal decision or the second-level grievance review decision upholding a noncertification reasonably appears to be a covered service under the covered person's health benefit plan.
 - c. The covered person has exhausted the insurer's internal appeal and grievance processes under G.S. 58-50-61 and G.S. 58-50-62, unless the covered person is considered to have exhausted the insurer's internal appeal or grievance process under G.S. 58-50-79, or unless the insurer has waived its right to conduct an expedited review of the appeal decision.
 - d. The covered person has provided all the information and forms required by the Commissioner that are necessary to process an external review.
- (3) Notify in writing the covered person and the covered person's provider who performed or requested the service whether the request is complete and whether the request has been accepted for external review. If the request is complete and accepted for external review, the notice shall include a copy of the information that the insurer provided to the Commissioner pursuant to subdivision (b)(1) of this section, and inform the covered person that the covered person may submit to the assigned independent review organization in writing, within seven days after the date of the notice, additional information and supporting documentation relevant to the initial denial for the organization to consider when conducting the external review. If the covered person chooses to send additional information to the assigned independent review organization, then the covered person shall at the same time and by the same means, send a copy of that information to the insurer.
- (4) Notify the insurer in writing whether the request for external review has been accepted. If the request has been accepted, the notice shall direct the insurer or its designee utilization review organization to provide to the assigned organization, within seven days of receipt of the notice, the documents and

any information considered in making the noncertification appeal decision or the second level grievance review decision.

(5) Assign the review to an independent review organization approved under G.S. 58-50-85. The assignment shall be made using an alphabetical list of the independent review organizations, systematically assigning reviews on a rotating basis to the next independent review organization on that list capable of performing the review to conduct the external review. After the last organization on the list has been assigned a review, the Commissioner shall return to the top of the list to continue assigning reviews.

(6) Forward to the review organization that was assigned by the Commissioner any documents that were received relating to the request for external review.

(c) If the finding of the preliminary review under subdivision (b)(2) of this section is that the request is not complete, the Commissioner shall request from the covered person the information or materials needed to make the request complete. The covered person shall furnish the Commissioner with the requested information or materials within 90 days after the date of the insurer's decision for which external review is requested.

(d) If the finding of the preliminary review under subdivision (b)(2) of this section is that the request is not accepted for external review, the Commissioner shall inform the covered person, the covered person's provider who performed or requested the service, and the insurer in writing of the reasons for its nonacceptance.

(e) Failure by the insurer or its designee utilization review organization to provide the documents and information within the time specified in this subsection shall not delay the conduct of the external review. However, if the insurer or its utilization review organization fails to provide the documents and information within the time specified in subdivision (b)(4) of this section, the assigned organization may terminate the external review and make a decision to reverse the noncertification appeal decision or the second-level grievance review decision. Within one business day of making the decision under this subsection, the organization shall notify the covered person, the insurer, and the Commissioner.

(f) If the covered person submits additional information to the Commissioner pursuant to subdivision (b)(3) of this section, the Commissioner shall forward the information to the assigned review organization within two business days of receiving it and shall forward a copy of the information to the insurer.

(g) Upon receipt of the information required to be forwarded under subsection (f) of this section, the insurer may reconsider its noncertification appeal decision or second-level grievance review decision that is the subject of the external review. Reconsideration by the insurer of its noncertification appeal decision or second-level grievance review decision under this subsection shall not delay or terminate the external review. The external review shall be terminated if the insurer decides, upon completion of its reconsideration, to reverse its noncertification appeal decision or second-level grievance review decision and provide coverage or payment for the requested health care service that is the subject of the noncertification appeal decision or second-level grievance review decision.

(h) Upon making the decision to reverse its noncertification appeal decision or second-level grievance review decision under subsection (g) of this section, the insurer shall notify the covered person, the organization, and the Commissioner in writing of its decision. The organization shall terminate the external review upon receipt of the notice from the insurer sent under this subsection.

(i) The assigned organization shall review all of the information and documents received under subsections (b) and (f) of this section that have been forwarded to the organization by the Commissioner and the insurer. In addition, the assigned review organization, to the extent the documents or information are available, shall consider the following in reaching a decision:

- (1) The covered person's medical records.
- (2) The attending health care provider's recommendation.
- (3) Consulting reports from appropriate health care providers and other documents submitted by the insurer, covered person, or the covered person's treating provider.
- (4) The most appropriate practice guidelines that are based on sound clinical evidence and that are periodically evaluated to assure ongoing efficacy.
- (5) Any applicable clinical review criteria developed and used by the insurer or its designee utilization review organization.
- (6) Medical necessity, as defined in G.S. 58-3-200(b).
- (7) Any documentation supporting the medical necessity and appropriateness of the provider's recommendation.

The assigned organization shall review the terms of coverage under the covered person's health benefit plan to ensure that the organization's decision shall not be contrary to the terms of coverage under the covered person's health benefit plan with the insurer.

The assigned organization's determination shall be based on the covered person's medical condition at the time of the initial noncertification decision.

(j) Within 45 days after the date of receipt by the Commissioner of the request for external review, the assigned organization shall provide written notice of its decision to uphold or reverse the noncertification appeal decision or second-level grievance review decision to the covered person, the insurer, the covered person's provider who performed or requested the service, and the Commissioner. In reaching a decision, the assigned review organization is not bound by any decisions or conclusions reached during the insurer's utilization review process or the insurer's internal grievance process under G.S. 58-50-61 and G.S. 58-50-62.

(k) The organization shall include in the notice sent under subsection (j) of this section:

- (1) A general description of the reason for the request for external review.
- (2) The date the organization received the assignment from the Commissioner to conduct the external review.
- (3) The date the organization received information and documents submitted by the covered person and by the insurer.
- (4) The date the external review was conducted.
- (5) The date of its decision.
- (6) The principal reason or reasons for its decision.
- (7) The clinical rationale for its decision.
- (8) References to the evidence or documentation, including the practice guidelines, considered in reaching its decision.
- (9) The professional qualifications and licensure of the clinical peer reviewers.
- (10) Notice to the covered person that he or she is not liable for the cost of the external review.

(l) Upon receipt of a notice of a decision under subsection (k) of this section reversing the noncertification appeal decision or second-level grievance review decision, the insurer shall within three business days reverse the noncertification appeal decision or second-level grievance review decision that was the subject of the review and shall provide coverage or payment for the requested health care service or supply that was the subject of the noncertification appeal decision or second-level grievance review decision. In the event the covered person is no longer enrolled in the health benefit plan when the insurer receives notice of a decision under subsection (k) of this section reversing the noncertification appeal decision or second-level grievance review decision, the insurer that made the noncertification appeal decision or second-level grievance review decision shall be responsible under this section only for the costs of those services or supplies the

covered person received or would have received prior to disenrollment if the service had not been denied when first requested.

"§ 58-50-81: Reserved.

"§ 58-50-82. Expedited external review.

(a) Except as provided in subsection (g) of this section, a covered person may make a written or oral request for an expedited external review with the Commissioner at the time the covered person receives:

- (1) A noncertification decision under G.S. 58-50-61(f) if:
 - a. The covered person has a medical condition where the time frame for completion of an expedited review of an appeal involving a noncertification set forth in G.S. 58-50-61(l) would be reasonably expected to seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function; and
 - b. The covered person has filed a request for an expedited appeal under G.S. 58-50-61(l).
- (2) An appeal decision under G.S. 58-50-61(k) or (l) upholding a noncertification if:
 - a. The noncertification appeal decision involves a medical condition of the covered person for which the time frame for completion of an expedited second-level grievance review of a noncertification set forth in G.S. 58-50-62(i) would reasonably be expected to seriously jeopardize the life or health of the covered person or jeopardize the covered person's ability to regain maximum function; and
 - b. The covered person has filed a request for an expedited second-level review of a noncertification as set forth in G.S. 58-50-61(i); or
- (3) A second-level grievance review decision under G.S. 58-60-62(h) or (i) upholding a noncertification:
 - a. If the covered person has a medical condition where the time frame for completion of a standard external review under G.S. 58-50-80 would reasonably be expected to seriously jeopardize the life or health of the covered person or jeopardize the covered person's ability to regain maximum function; or
 - b. If the second-level grievance concerns a noncertification of an admission, availability of care, continued stay, or health care service for which the covered person received emergency services, but has not been discharged from a facility.

(b) Within three days of receiving a request for an expedited external review, the Commissioner shall complete all of the following:

- (1) Notify the insurer that made the noncertification, noncertification appeal decision, or second-level grievance review decision which is the subject of the request that the request has been received and provide a copy of the request or verbally convey all of the information included in the request. The Commissioner shall also request any information from the insurer necessary to make the preliminary review set forth in G.S. 58-50-80(b)(2) and require the insurer to deliver the information not later than one day after the request was made.
- (2) Determine whether the request is eligible for external review and, if it is eligible, determine whether it is eligible for expedited review.
 - a. For a request made pursuant to subdivision (a)(1) of this section that the Commissioner has determined meets the reviewability requirements set forth in G.S. 58-50-80(b)(2), determine, based on medical advice from a

medical professional who is not affiliated with the organization that will be assigned to conduct the external review of the request, whether the request should be reviewed on an expedited basis because the time frame for completion of an expedited review under G.S. 58-50-61(1) would reasonably be expected to seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function. The Commissioner shall then inform the covered person, the covered person's provider who performed or requested the service, and the insurer whether the Commissioner has accepted the covered person's request for an expedited external review. If the Commissioner has accepted the covered person's request for an expedited external review, then the Commissioner shall, in accordance with G.S. 58-50-80, assign an organization to conduct the review within the appropriate time frame. If the Commissioner has not accepted the covered person's request for an expedited external review, then the covered person shall be informed by the Commissioner that the covered person must exhaust, at a minimum, the insurer's internal appeal process under G.S. 58-50-61(1) before making another request for an external review with the Commissioner.

- b. For a request made pursuant to subdivision (a)(2) of this section that the Commissioner has determined meets the reviewability requirements set forth in G.S. 58-50-80(b)(2), the Commissioner shall determine, based on medical advice from a medical professional who is not affiliated with the organization that will be assigned to conduct the external review of the request, whether the request should be reviewed on an expedited basis because the time frame for completion of an expedited review under G.S. 58-50-62 would reasonably be expected to seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function. The Commissioner shall then inform the covered person, the covered person's provider who performed or requested the service, and the insurer whether the Commissioner has accepted the covered person's request for an expedited external review. If the Commissioner has accepted the covered person's request for an expedited external review, then the Commissioner shall, in accordance with G.S. 58-50-80, assign an organization to conduct the review within the appropriate time frame. If the Commissioner has not accepted the covered person's request for an expedited external review, then the covered person shall be informed by the Commissioner that the covered person must exhaust the insurer's internal grievance process under G.S. 58-50-62 before making another request for an external review with the Commissioner.
- c. For a request made pursuant to sub-subdivision (a)(3)a. of this section that the Commissioner has determined meets the reviewability requirements set forth in G.S. 58-50-80(b)(2), the Commissioner shall determine, based on medical advice from a medical professional who is not affiliated with the organization that will be assigned to conduct the external review of the request, whether the request should be reviewed on an expedited basis because the time frame for completion of a standard external review under G.S. 58-50-80 would reasonably be expected to seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function. The Commissioner shall then inform the covered person, the covered person's provider who

performed or requested the service, and the insurer whether the review will be conducted using an expedited or standard time frame and shall, in accordance with G.S. 58-50-80, assign an organization to conduct the review within the appropriate time frame.

- d. For a request made pursuant to sub-subdivision (a)(3)b. of this section, that the Commissioner has determined meets the reviewability requirements set forth in G.S. 58-50-80(b)(2), the Commissioner shall, in accordance with G.S. 58-50-80, assign an organization to conduct the expedited review and inform the covered person, the covered person's provider who performed or requested the service, and the insurer of its decision.

(c) As soon as possible, but within the same day of receiving notice under subdivision (b)(2) of this section that the request has been assigned to a review organization, the insurer or its designee utilization review organization shall provide or transmit all documents and information considered in making the noncertification appeal decision or the second-level grievance review decision to the assigned review organization electronically or by telephone or facsimile or any other available expeditious method.

(d) In addition to the documents and information provided or transmitted under subsection (c) of this section, the assigned organization, to the extent the information or documents are available, shall consider the following in reaching a decision:

- (1) The covered person's pertinent medical records.
- (2) The attending health care provider's recommendation.
- (3) Consulting reports from appropriate health care providers and other documents submitted by the insurer, covered person, or the covered person's treating provider.
- (4) The most appropriate practice guidelines that are based on sound clinical evidence and that are periodically evaluated to assure ongoing efficacy.
- (5) Any applicable clinical review criteria developed and used by the insurer or its designee utilization review organization in making noncertification decisions.
- (6) Medical necessity, as defined in G.S. 58-3-200(b).
- (7) Any documentation supporting the medical necessity and appropriateness of the provider's recommendation.

The assigned organization shall review the terms of coverage under the covered person's health benefit plan to ensure that the organization's decision shall not be contrary to the terms of coverage under the covered person's health benefit plan.

The assigned organization's determination shall be based on the covered person's medical condition at the time of the initial noncertification decision.

(e) As expeditiously as the covered person's medical condition or circumstances require, but not more than four days after the date of receipt of the request for an expedited external review, the assigned organization shall make a decision to uphold or reverse the noncertification, noncertification appeal decision, or second-level grievance review decision and notify the covered person, the covered person's provider who performed or requested the service, the insurer, and the Commissioner of the decision. In reaching a decision, the assigned organization is not bound by any decisions or conclusions reached during the insurer's utilization review process or internal grievance process under G.S. 58-50-61 and G.S. 58-50-62.

(f) If the notice provided under subsection (e) of this section was not in writing, within two days after the date of providing that notice, the assigned organization shall provide written confirmation of the decision to the covered person, the covered person's provider who performed or requested the service, the insurer, and the Commissioner and include the information set forth in G.S. 58-50-80(m). Upon receipt of the notice of a

decision under subsection (e) of this section that reverses the noncertification, noncertification appeal decision, or second-level grievance review decision, the insurer shall within one day reverse the noncertification, noncertification appeal decision, or second-level grievance review decision that was the subject of the review and shall provide coverage or payment for the requested health care service or supply that was the subject of the noncertification, noncertification appeal decision, or second-level grievance review decision.

(g) An expedited external review shall not be provided for retrospective noncertifications.

"§ 58-50-83: Reserved.

"§ 58-50-84. Binding nature of external review decision.

(a) An external review decision is binding on the insurer.

(b) An external review decision is binding on the covered person except to the extent the covered person has other remedies available under applicable federal or State law.

(c) A covered person may not file a subsequent request for external review involving the same noncertification appeal decision or second-level grievance review decision for which the covered person has already received an external review decision under this Part.

"§ 58-50-85. Approval of independent review organizations.

(a) The Commissioner shall approve independent review organizations eligible to be assigned to conduct external reviews under this Part to ensure that an organization satisfies the minimum qualifications established under G.S. 58-50-87. The Commissioner shall develop an application form for initially approving and for reapproving organizations to conduct external reviews.

(b) Any organization wishing to be approved to conduct external reviews under this Part shall submit the application form and include with the form all documentation and information necessary for the Commissioner to determine if the organization satisfies the minimum qualifications established under G.S. 58-50-87. Applicants must submit pricing information sufficient to demonstrate that if selected, the applicant's total fee per review will not exceed commercially reasonable fees charged for similar services in the industry. The Commissioner shall not approve any independent review organization that either fails to provide sufficient pricing information or has fees that do not meet the guidelines established under this subsection.

(c) The Commissioner may determine that accreditation by a nationally recognized private accrediting entity with established and maintained standards for independent review organizations that meet the minimum qualifications established under G.S. 58-50-87 will cause an independent review organization to be deemed to have met, in whole or in part, the requirements of this section and G.S. 58-50-87. A decision by the Commissioner to recognize an accreditation program for the purpose of granting deemed status may be made only after reviewing the accreditation standards and program information submitted by the accrediting body. An independent review organization seeking deemed status due to its accreditation shall submit original documentation issued by the accrediting body to demonstrate its accreditation.

(d) An approval is effective for two years, unless the Commissioner determines before expiration of the approval that the independent review organization is not satisfying the minimum qualifications established under G.S. 58-50-87.

(e) Whenever the Commissioner determines that an independent review organization no longer satisfies the minimum requirements established under G.S. 58-50-87, the Commissioner shall terminate the approval of the independent review organization.

"§ 58-50-86: Reserved.

"§ 58-50-87. Minimum qualifications for independent review organizations.

(a) As a condition of approval under G.S. 58-50-85 to conduct external reviews, an independent review organization shall have and maintain written policies and procedures

that govern all aspects of both the standard external review process and the expedited external review process set forth in G.S. 58-50-80 and G.S. 58-50-82 that include, at a minimum:

- (1) A quality assurance mechanism in place that ensures:
 - a. That external reviews are conducted within the specified time frames and required notices are provided in a timely manner.
 - b. The selection of qualified and impartial clinical peer reviewers to conduct external reviews on behalf of the independent review organization and suitable matching of reviewers to specific cases.
 - c. The confidentiality of medical and treatment records and clinical review criteria.
 - d. That any person employed by or under contract with the independent review organization adheres to the requirements of this Part.
 - e. The independence and impartiality of the independent review organization and the external review process and limits the ability of any person to improperly influence the external review decision.
- (2) A toll-free telephone service to receive information on a 24-hour-day, seven-day-a-week basis related to external reviews that is capable of accepting or recording inquiries or providing appropriate instruction to incoming telephone callers during other than normal business hours.
- (3) An agreement to maintain and provide to the Commissioner the information set out in G.S. 58-50-90.
- (4) A program for credentialing clinical peer reviewers.
- (5) An agreement to contractual terms or written requirements established by the Commissioner regarding the procedures for handling a review.
- (6) That the independent review organization consult with a medical doctor licensed to practice in North Carolina to advise the independent review organization on issues related to the standard of practice, technology, and training of North Carolina physicians with respect to the organization's North Carolina business.

(b) All clinical peer reviewers assigned by an independent review organization to conduct external reviews shall be medical doctors or other appropriate health care providers who meet the following minimum qualifications:

- (1) Be an expert in the treatment of the covered person's injury, illness, or medical condition that is the subject of the external review.
- (2) Be knowledgeable about the recommended health care service or treatment through recent or current actual clinical experience treating patients with the same or similar injury, illness, or medical condition of the covered person.
- (3) If the covered person's treating provider is a medical doctor, hold a nonrestricted license and, if a specialist medical doctor, a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of the external review.
- (4) If the covered person's treating provider is not a medical doctor, hold a nonrestricted license, registration, or certification in the same allied health occupation as the covered person's treating provider.
- (5) Have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical peer reviewer's physical, mental, or professional competence or moral character.

(c) In addition to the requirements set forth in subsection (a) of this section, an independent review organization may not own or control, be a subsidiary of, or in any way

be owned or controlled by, or exercise control with a health benefit plan, a national, State, or local trade association of health benefit plans, or a national, State, or local trade association of health care providers.

(d) In addition to the requirements set forth in subsections (a), (b), and (c) of this section, to be approved under G.S. 58-50-85 to conduct an external review of a specified case, neither the independent review organization selected to conduct the external review nor any clinical peer reviewer assigned by the independent organization to conduct the external review may have a material professional, familial, or financial conflict of interest with any of the following:

- (1) The insurer that is the subject of the external review.
- (2) The covered person whose treatment is the subject of the external review or the covered person's authorized representative.
- (3) Any officer, director, or management employee of the insurer that is the subject of the external review.
- (4) The health care provider, the health care provider's medical group, or independent practice association recommending the health care service or treatment that is the subject of the external review.
- (5) The facility at which the recommended health care service or treatment would be provided.
- (6) The developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the covered person whose treatment is the subject of the external review.

(e) In determining whether an independent review organization or a clinical peer reviewer of the independent review organization has a material professional, familial, or financial conflict of interest for purposes of subsection (d) of this section, the Commissioner shall take into consideration situations where the independent review organization to be assigned to conduct an external review of a specified case or a clinical peer reviewer to be assigned by the independent review organization to conduct an external review of a specified case may have an apparent professional, familial, or financial relationship or connection with a person described in subsection (d) of this section, but that the characteristics of that relationship or connection are such that they are not a material professional, familial, or financial conflict of interest that results in the disapproval of the independent review organization or the clinical peer reviewer from conducting the external review.

"§ 58-50-88: Reserved.

"§ 58-50-89. Hold harmless for Commissioner and independent review organizations.

The Commissioner or an independent review organization or clinical peer reviewer working on behalf of an organization shall not be liable for damages to any person for any opinions rendered during or upon completion of an external review conducted under this Part, unless the opinion was rendered in bad faith or involved gross negligence.

"§ 58-50-90. External review reporting requirements.

(a) An organization assigned under G.S. 58-50-80 or G.S. 58-50-82 to conduct an external review shall maintain written records in the aggregate and by insurer on all requests for external review for which it conducted an external review during a calendar year and submit a report to the Commissioner, as required under subsection (b) of this section.

(b) Each organization required to maintain written records on all requests for external review under subsection (a) of this section for which it was assigned to conduct an external review shall submit to the Commissioner, at least annually, a report in the format specified by the Commissioner.

(c) The report shall include in the aggregate and for each insurer:

- (1) The total number of requests for external review.

- (2) The number of requests for external review resolved and, of those resolved, the number resolved upholding the noncertification appeal decision or second-level grievance review decision and the number resolved reversing the noncertification appeal decision or second-level grievance review decision.
- (3) The average length of time for resolution.
- (4) A summary of the types of coverages or cases for which an external review was sought, as provided in the format required by the Commissioner.
- (5) The number of external reviews under G.S. 58-50-80 that were terminated as the result of a reconsideration by the insurer of its noncertification appeal decision or second-level grievance review decision after the receipt of additional information from the covered person.
- (6) Any other information the Commissioner may request or require.

(d) The organization shall retain the written records required under this section for at least three years.

(e) Each insurer shall maintain written records in the aggregate and for each type of health benefit plan offered by the insurer on all requests for external review of which the insurer receives notice from the Commissioner under this Part. The insurer shall retain the written records required under this section for at least three years.

"§ 58-50-91: Reserved.

"§ 58-50-92. Funding of external review.

The insurer against which a request for a standard external review or an expedited external review is filed shall reimburse the Department of Insurance for the fees charged by the organization in conducting the external review, including work actually performed by the organization for a case that was terminated due to the insurer's decision to reconsider a request and reverse its noncertification decision, prior to the insurer notifying the organization of the reversal pursuant to G.S. 58-50-80(j), or when a review is terminated pursuant to G.S. 58-50-80(h) because the insurer failed to provide information to the review organization.

"§ 58-50-93. Disclosure requirements.

(a) Each insurer shall include a description of the external review procedures in or attached to the policy, certificate, membership booklet, outline of coverage, or other evidence of coverage it provides to covered persons.

(b) The description required under subsection (a) of this section shall include a statement that informs the covered person of the right of the covered person to file a request for an external review of a noncertification, noncertification appeal decision or a second-level grievance review decision upholding a noncertification with the Commissioner. The statement shall include the telephone number and address of the Commissioner.

(c) In addition to subsection (b) of this section, the statement shall inform the covered person that, when filing a request for an external review, the covered person will be required to authorize the release of any medical records of the covered person that may be required to be reviewed for the purpose of reaching a decision on the external review.

"§ 58-50-94. Selection of independent review organizations.

(a) At least every two years, or more frequently if the Commissioner determines is needed to secure adequate selection of independent review organizations, the Commissioner shall prepare and publish requests for proposals from independent review organizations that want to be approved under G.S. 58-50-85. All proposals shall be sealed. The Commissioner shall open all proposals in public.

(b) After the public opening, the Commissioner shall review the proposals, examining the costs and quality of the services offered by the independent review organizations, the reputation and capabilities of the independent review organizations submitting the proposals, and the provisions in G.S. 58-50-85 and G.S. 58-50-87. The Commissioner

shall determine which proposal or proposals would satisfy the provisions of this Part. The Commissioner shall make his determination in consultation with an evaluation committee whose membership includes representatives of insurers subject to Part 4 of Article 50 of Chapter 58 of the General Statutes, health care providers, and insureds. In selecting the review organizations, in addition to considering cost, quality, and adherence to the requirements of the request for proposals, the Commissioner shall consider the desirability and feasibility of contracting with multiple review organizations and shall ensure that, for any given type of case involving highly specialized services and treatments, at least one review organization is available and capable of reviewing the case.

(c) An independent review organization may seek to modify or withdraw a proposal only after the public opening and only on the basis that the proposal contains an unintentional clerical error as opposed to an error in judgment. An independent review organization seeking to modify or withdraw a proposal shall submit to the Commissioner a written request, with facts and evidence in support of its position, before the determination made by the Commissioner under subsection (b) of this section, but not later than two days after the public opening of the proposals. The Commissioner shall promptly review the request, examine the nature of the error, and determine whether to permit or deny the request.

(d) The provisions of Article 3C of Chapter 143 of the General Statutes do not apply to this Part.

"§ 58-50-95. Report by Commissioner.

The Commissioner shall report semiannually to the Joint Legislative Health Care Oversight Committee regarding the nature and appropriateness of reviews conducted under this Part. The report, which shall be provided to the public upon request, should include the number of reviews, underlying issues in dispute, character of the reviews, dollar amounts in question, whether the review was decided in favor of the covered person or the health benefit plan, the cost of review, and any other information relevant to the evaluation of the effectiveness of this Part."

SECTION 4.6. G.S. 58-50-62(h)(7) reads as rewritten:

"(7) A statement that the decision is the insurer's final determination in the matter. In cases where the review concerned a noncertification and the insurer's decision on the second-level grievance review is to uphold its initial noncertification, a statement advising the covered person of his or her right to request an external review and a description of the procedure for submitting a request for external review to the Commissioner of Insurance."

SECTION 4.6A. G.S. 143-64.24 reads as rewritten:

"§ 143-64.24. Applicability of Article.

This Article shall not apply to the General Assembly, special study commissions, the Research Triangle Institute, or the Institute of Government, nor shall it apply to attorneys employed by the North Carolina Department of Justice, or physicians or doctors performing contractual services for any State agency. This Article shall not apply to Independent Review Organizations selected by the Commissioner of Insurance pursuant to G.S. 58-50-85."

Subpart B. Health Plan Liability

SECTION 4.7. Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article IG.

"Health Care Liability.

"§ 90-21.50. Definitions.

As used in this Article, unless the context clearly indicates otherwise, the term:

- (1) 'Health benefit plan' means an accident and health insurance policy or certificate; a nonprofit hospital or medical service corporation contract; a health maintenance organization subscriber contract; a self-insured indemnity program or prepaid hospital and medical benefits plan offered under the Teachers' and State Employees' Comprehensive Major Medical Plan and subject to the requirements of Article 3 of Chapter 135 of the General Statutes, a plan provided by a multiple employer welfare arrangement; or a plan provided by another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, as amended, or by any waiver of or other exception to that act provided under federal law or regulation. Except for the Health Insurance Program for Children established under Part 8 of Article 2 of Chapter 108A of the General Statutes, 'Health benefit plan' does not mean any plan implemented or administered by the North Carolina or United States Department of Health and Human Services, or any successor agency, or its representatives. "Health benefit plan" does not mean any of the following kinds of insurance:
- a. Accident.
 - b. Credit.
 - c. Disability income.
 - d. Long-term or nursing home care.
 - e. Medicare supplement.
 - f. Specified disease.
 - g. Dental or vision.
 - h. Coverage issued as a supplement to liability insurance.
 - i. Workers' compensation.
 - j. Medical payments under automobile or homeowners.
 - k. Hospital income or indemnity.
 - l. Insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability policy or equivalent self-insurance.
 - m. Short-term limited duration health insurance policies as defined in Part 144 of Title 45 of the Code of Federal Regulations.
- (2) 'Health care provider' means:
- a. An individual who is licensed, certified, or otherwise authorized under this Chapter to provide health care services in the ordinary course of business or practice of a profession or in an approved education or training program; or
 - b. A health care facility, licensed under Chapters 131E or 122C of the General Statutes, where health care services are provided to patients; 'Health care provider' includes: (i) an agent or employee of a health care facility that is licensed, certified, or otherwise authorized to provide health care services; (ii) the officers and directors of a health care facility; and (iii) an agent or employee of a health care provider who is licensed, certified, or otherwise authorized to provide health care services.
- (3) 'Health care service' means a health or medical procedure or service rendered by a health care provider that:
- a. Provides testing, diagnosis, or treatment of a health condition, illness, injury, or disease; or
 - b. Dispenses drugs, medical devices, medical appliances, or medical goods for the treatment of a health condition, illness, injury, or disease.
- (4) 'Health care decision' means a determination that is made by a managed care entity and is subject to external review under Part 4 of Article 50 of Chapter

58 of the General Statutes and is also a determination that:

- a. Is a noncertification, as defined in G.S. 58-50-61, of a prospective or concurrent request for health care services, and
 - b. Affects the quality of the diagnosis, care, or treatment provided to an enrollee or insured of the health benefit plan.
- (5) 'Insured or enrollee' means a person that is insured by or enrolled in a health benefit plan under a policy, plan, certificate, or contract issued or delivered in this State by an insurer.
- (6) 'Insurer' means an entity that writes a health benefit plan and that is an insurance company subject to Chapter 58 of the General Statutes, a service corporation organized under Article 65 of Chapter 58 of the General Statutes, a health maintenance organization organized under Article 67 of Chapter 58 of the General Statutes, a self-insured health maintenance organization or managed care entity operated or administered by or under contract with the Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan pursuant to Article 3 of Chapter 135 of the General Statutes, a multiple employer welfare arrangement subject to Article 49 of Chapter 58 of the General Statutes, or the Teachers' and State Employees' Comprehensive Major Medical Plan.
- (7) 'Managed care entity' means an insurer that:
- a. Delivers, administers, or undertakes to provide for, arrange for, or reimburse for health care services or assumes the risk for the delivery of health care services; and
 - b. Has a system or technique to control or influence the quality, accessibility, utilization, or costs and prices of health care services delivered or to be delivered to a defined enrollee population.
- Except for the Teachers' and State Employees' Comprehensive Major Medical Plan and the Health Insurance Program for Children, 'managed care entity' does not include: (i) an employer purchasing coverage or acting on behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of the employer, or (ii) a health care provider.
- (8) 'Ordinary care' means that degree of care that, under the same or similar circumstances, a managed care entity of ordinary prudence would have used at the time the managed care entity made the health care decision.
- (9) 'Physician' means:
- a. An individual licensed to practice medicine in this State;
 - b. A professional association or corporation organized under Chapter 55B of the General Statutes; or
 - c. A person or entity wholly owned by physicians.
- (10) 'Successor external review process' means an external review process equivalent in all respects to G.S. 58-50-75 through G.S. 58-50-95 that is approved by the Department and implemented by a health benefit plan in the event that G.S. 58-50-75 through G.S. 58-50-95 are found by a court of competent jurisdiction to be void, unenforceable, or preempted by federal law, in whole or in part.

"§ 90-21.51. Duty to exercise ordinary care; liability for damages for harm.

(a) Each managed care entity for a health benefit plan has the duty to exercise ordinary care when making health care decisions and is liable for damages for harm to an insured or enrollee proximately caused by its failure to exercise ordinary care.

(b) In addition to the duty imposed under subsection (a) of this section, each managed care entity for a health benefit plan is liable for damages for harm to an insured or enrollee proximately caused by decisions regarding whether or when the insured or enrollee would

receive a health care service made by:

- (1) Its agents or employees; or
- (2) Representatives that are acting on its behalf and over whom it has exercised sufficient influence or control to reasonably affect the actual care and treatment of the insured or enrollee which results in the failure to exercise ordinary care.

(c) It shall be a defense to any action brought under this section against a managed care entity for a health benefit plan that:

- (1) The managed care entity and its agents or employees, or representatives for whom the managed care entity is liable under subsection (b) of this section, did not control or influence or advocate for the decision regarding whether or when the insured or enrollee would receive a health care service; or
- (2) The managed care entity did not deny or delay payment for any health care service or treatment prescribed or recommended by a physician or health care provider to the insured or enrollee.

(d) In an action brought under this Article against a managed care entity, a finding that a physician or health care provider is an agent or employee of the managed care entity may not be based solely on proof that the physician or health care provider appears in a listing of approved physicians or health care providers made available to insureds or enrollees under the managed care entity's health benefit plan.

(e) An action brought under this Article is not a medical malpractice action as defined in Article 1B of this Chapter. A managed care entity may not use as a defense in an action brought under this Article any law that prohibits the corporate practice of medicine.

(f) A managed care entity shall not be liable for the independent actions of a health care provider, who is not an agent or employee of the managed care entity, when that health care provider fails to exercise the standard of care required by G.S. 90-21.12. A health care provider shall not be liable for the independent actions of a managed care entity when the managed care entity fails to exercise the standard of care required by this Article.

(g) Nothing in this Article shall be construed to create an obligation on the part of a managed care entity to provide to an insured or enrollee a health care service or treatment that is not covered under its health benefit plan.

(h) A managed care entity shall not enter into a contract with a health care provider, or with an employer or employer group organization, that includes an indemnification or hold harmless clause for the acts or conduct of the managed care entity. Any such indemnification or hold harmless clause is void and unenforceable to the extent of the restriction.

"§ 90-21.52. No liability under this Article on the part of an employer or employer group organization that purchases coverage or assumes risk on behalf of its employees or a physician or health care provider; liability of State Health Plan under State Tort Claims Act.

(a) Except as otherwise provided in subsection (b) of this section, this Article does not create any liability on the part of an employer or employer group purchasing organization that purchases health care coverage or assumes risk on behalf of its employees.

(b) Liability in tort of the Teachers' and State Employees' Comprehensive Major Medical Plan for its health care decisions shall be under Article 31 of Chapter 143 of the General Statutes.

(c) This Article does not create any liability on the part of a physician or health care provider in addition to that otherwise imposed under existing law. No managed care entity held liable under this Article shall be entitled to contribution under Chapter 1B of the General Statutes. No managed care entity held liable under this Article shall have a right to indemnity against physicians, health care providers, or entities wholly owned by

physicians or health care providers or any combination thereof, except when:

- (1) The liability of the managed care entity is based on a decision to approve or disapprove payment or reimbursement for a health care service and the physicians, health care providers, or entities wholly owned by physicians or health care providers or any combination thereof, have agreed in a written contract with the managed care entity to assume responsibility for these specific decisions; and
- (2) The managed care entity has not controlled or influenced or advocated for the decision regarding whether or when payment or reimbursement should be made or whether or when the insured or enrollee should receive a health care service.

"§ 90-21.53. Separate trial required.

Upon motion of any party in an action that includes a claim brought pursuant to this Article involving a managed care entity, the court shall order separate discovery and a separate trial of any claim, cross-claim, counterclaim, or third-party claim against any physician or other health care provider.

"§ 90-21.54. Exhaustion of administrative remedies and appeals.

No action may be commenced under this Article until the plaintiff has exhausted all administrative remedies and appeals, including those internal remedies and appeals established under G.S. 58-50-61 through G.S. 58-50-62, and G.S. 58-50-75 through G.S. 58-50-95, and including those established under any successor external review process.

"§ 90-21.55. External review decision.

(a) Either the insured or enrollee or the personal representative of the insured or enrollee or the managed care entity may use an external review decision made in accordance with G.S. 58-50-75 through G.S. 58-50-95, or made in accordance with any successor external review process, as evidence in any cause of action which includes an action brought under this Part, provided that an adequate foundation is laid for the introduction of the external review decision into evidence and the testimony is subject to cross-examination.

(b) Any information, documents, or other records or materials considered by the Independent Review Organization licensed under Part 4 of Article 50 of Chapter 58 of the General Statutes, or the successor review process, in conducting its review shall be admissible in any action commenced under this Article in accordance with Chapter 8 of the General Statutes and the North Carolina Rules of Evidence.

"§ 90-21.56. Remedies.

(a) Except as provided in G.S. 90-21.52(b), an insured or enrollee who has been found to have been harmed by the managed care entity pursuant to an action brought under this Article may recover actual or nominal damages and, subject to the provisions and limitations of Chapter 1D of the General Statutes, punitive damages.

(b) This Article does not limit a plaintiff from pursuing any other remedy existing under the law or seeking any other relief that may be available outside of the cause of action and relief provided under this Article.

(c) The rights conferred under this Article as well as any rights conferred by the Constitution of North Carolina or the Constitution of the United States may not be waived, deferred, or lost pursuant to any contract between the insured or enrollee and the managed care entity that relates to a dispute involving a health care decision. Arbitration or mediation may be used to settle the controversy if, after the controversy arises, the insured or enrollee, or the estate of the insured or enrollee, voluntarily and knowingly consents in writing to use arbitration or mediation to settle the controversy."

SECTION 4.8. G.S. 1A-1, Rule 42, reads as rewritten:

"Rule 42. Consolidation; separate trials.

- (a) Consolidation. – ~~When~~ Except as provided in subdivision (b)(2) of this section,

when actions involving a common question of law or fact are pending in one division of the court, the judge may order a joint hearing or trial of any or all the matters in issue in the actions; he may order all the actions consolidated; and he may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay. When actions involving a common question of law or fact are pending in both the superior and the district court of the same county, a judge of the superior court in which the action is pending may order all the actions consolidated, and he may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

(b) Separate trials. –

- (1) The court may in furtherance of convenience or to avoid prejudice and shall for considerations of venue upon timely motion order a separate trial of any claim, ~~cross-claim~~cross-claim, counterclaim, or third-party claim, or of any separate issue or of any number of claims, ~~cross-claims~~cross-claims, counterclaims, third-party claims, or issues.
- (2) Upon motion of any party in an action that includes a claim commenced under Article 1G of Chapter 90 of the General Statutes involving a managed care entity as defined in G.S. 90-21.50, the court shall order separate discovery and a separate trial of any claim, cross-claim, counterclaim, or third-party claim against a physician or other medical provider."

SECTION 5.(a) G.S. 58-2-105 reads as rewritten:

"§ 58-2-105. Confidentiality of medical records.

(a) All patient medical records in the possession of the Department are confidential and are not public records pursuant to G.S. 58-2-100 or G.S. 132-1. As used in this section, "patient medical records" includes personal information that relates to an individual's physical or mental condition, medical history, or medical treatment, and that has been obtained from the individual patient, a health care provider, or from the patient's spouse, parent, or legal guardian.

(b) Under Part 4 of Article 50 of this Chapter, the Department may disclose patient medical records to an independent review organization, and the organization shall maintain the confidentiality of those records as required by this section, except as allowed by G.S. 58-39-75 and G.S. 58-39-76."

SECTION 5.(b) G.S. 58-3-200(b) reads as rewritten:

"(b) Medical Necessity. – An insurer that limits its health benefit plan coverage to medically necessary services and supplies shall define "medically necessary services or supplies" in its health benefit plan as those covered services or supplies that are:

- (1) Provided for the diagnosis, treatment, cure, or relief of a health condition, illness, injury, or disease; ~~and~~and, ~~except as allowed under G.S. 58-3-255,~~ not for experimental, investigational, or cosmetic purposes.
- (2) Necessary for and appropriate to the diagnosis, treatment, cure, or relief of a health condition, illness, injury, disease, or its symptoms.
- (3) Within generally accepted standards of medical care in the community.
- (4) Not solely for the convenience of the insured, the insured's family, or the provider.

For medically necessary services, nothing in this subsection precludes an insurer from comparing the cost-effectiveness of alternative services or supplies when determining which of the services or supplies will be covered."

SECTION 5.(c) G.S. 58-50-61(a)(12) reads as rewritten:

"(12) "Medically necessary services or supplies" means those covered services or supplies that are:

- a. Provided for the diagnosis, treatment, cure, or relief of a health condition, illness, injury, or disease.
- b. Except as allowed under G.S. 58-3-255, ~~Not~~not for experimental,

investigational, or cosmetic purposes.

- c. Necessary for and appropriate to the diagnosis, treatment, cure, or relief of a health condition, illness, injury, disease, or its symptoms.
- d. Within generally accepted standards of medical care in the community.
- e. Not solely for the convenience of the insured, the insured's family, or the provider.

For medically necessary services, nothing in this subdivision precludes an insurer from comparing the cost-effectiveness of alternative services or supplies when determining which of the services or supplies will be covered."

SECTION 5.(d) G.S. 150B-1(e) is amended by adding the following new subdivision to read:

"(12) The Teachers' and State Employees' Comprehensive Major Medical Plan with respect to determinations by the Executive Administrator and Board of Trustees, the Plan's designated utilization review organization, or a self-funded health maintenance organization under contract with the Plan that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon the information provided, does not meet the Plan's requirements for medical necessity, appropriateness, health care setting, or level of care or effectiveness, and the requested service is therefore denied, reduced, or terminated."

SECTION 5.(e) G.S. 135-39.7 reads as rewritten:

"§ 135-39.7. Administrative review.

(a) If, after exhaustion of internal appeal handling as outlined in the contract with the Claims Processor any person is aggrieved, the Claims Processor shall bring the matter to the attention of the Executive Administrator and Board of Trustees, which shall promptly decide whether the subject matter of the appeal is a determination subject to external review under Part 4 of Article 50 of Chapter 58 of the General Statutes. The Executive Administrator and Board of Trustees shall inform the aggrieved person and the aggrieved person's provider of the decision and shall provide the aggrieved person notice of the aggrieved person's right to appeal that decision as provided in this subsection. If the Executive Administrator and Board of Trustees decide that the subject matter of the appeal is not a determination subject to external review, then the Executive Administrator and Board of Trustees may make a binding decision on the matter in accordance with procedures established by the Executive Administrator and Board of Trustees. The Executive Administrator and Board of Trustees shall provide a written summary of the decisions made pursuant to this section to all employing units, all health benefit representatives, the oversight team provided for in G.S. 135-39.3, all relevant health care providers affected by a decision, and to any other parties requesting a written summary and approved by the Executive Administrator and Board of Trustees to receive a summary immediately following the issuance of a decision. A decision by the Executive Administrator and Board of Trustees that a matter raised on internal appeal is a determination subject to external review as provided in subsection (b) of this section may be contested by the aggrieved person under Chapter 150B of the General Statutes. The person contesting the decision may proceed with external review pending a decision in the contested case under Chapter 150B of the General Statutes.

(b) The Executive Administrator and Board of Trustees shall adopt and implement utilization review and internal grievance procedures that are substantially equivalent to those required under G.S. 58-50-61 and G.S. 58-50-62. External review of determinations shall be conducted in accordance with Part 4 of Article 50 of Chapter 58 of the General Statutes. As used in this section, 'determination' is a decision by the Executive Administrator and Board of Trustees, the Plan's designated utilization review organization, or a self-funded health maintenance organization administrated by or under contract with

the Plan that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon information provided, does not meet the Plan's requirements for medical necessity, appropriateness, health care setting, or level of care or effectiveness, and the requested service is therefore denied, reduced, or terminated."

SECTION 5.(f) G.S. 143-291 is amended by adding the following new subsection to read:

"(d) Liability in tort of the Teachers' and State Employees' Comprehensive Major Medical Plan for noncertifications as defined under G.S. 58-50-61 shall be only under this Article."

SECTION 6. G.S. 135-39.4A(g) reads as rewritten:

"(g) The Executive Administrator shall be responsible for:

- (1) Cost management programs;
- (2) Education and illness prevention programs;
- (3) Training programs for Health Benefit Representatives;
- (4) Membership functions;
- (5) Long-range planning;
- (6) Provider and participant relations; and
- (7) Communications.

Managed care practices used by the Executive Administrator in cost management programs are subject to the requirements of G.S. 58-3-191, 58-3-221, 58-3-223, 58-3-235, 58-3-240, 58-3-245, 58-3-250, 58-3-265, 58-67-88, and 58-50-30."

SECTION 7. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of the act as a whole or any part other than the part so declared to be unconstitutional or invalid.

SECTION 8. Section 1.6 of this act becomes effective January 1, 2002. Sections 4.1 through 5(a) of this act become effective July 1, 2002. Sections 7 and 8 of this act are effective when this act becomes law. The remainder of this act becomes effective March 1, 2002. This act applies to health benefit plans that are in effect, delivered, issued for delivery, or renewed on or after the date this act becomes law. Nothing in this act obligates the General Assembly to appropriate funds to implement this act.

Upon motion of Senator Wellons, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Senator Ballantine offers a motion that the Conference Report be withdrawn from today's Calendar and placed on the Calendar for Wednesday, October 17, which motion fails (10-26).

Senator Horton announces a pair vote. If Senator Gulley were present, he would vote "aye"; Senator Horton votes "no".

Upon motion of Senator Wellons, the Senate adopts the Conference Report (34-1).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

WITHDRAWAL FROM CALENDAR

Without objection, upon motion of Senator Rand, the following bills are withdrawn from the Calendar for Monday, October 8, and placed on the Calendar for Wednesday, October 17.

H.B. 1427 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION.

H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX

October 4, 2001

PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%.

H.B. 253 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS.

APPOINTMENT OF ADDITIONAL CONFERE

S.B. 470 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.

Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Cunningham as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 382 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA.

Pursuant to the message from the House of Representatives received today that the House fails to concur in the Senate Committee Substitute for HB 382 and requests conferees, Senator Odom offers a motion that the Senate appoint conferees which motion prevails.

Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Odom, Chairman; Senator Garwood; Senator Lee; and Senator Soles as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Ballance, seconded by Senator Robinson, the Senate adjourns at 1:16 P.M. subject to ratification of bills and receipt of messages from the House of Representatives to meet Monday, October 8, at 12:00 Noon.

ONE HUNDRED FORTY-SEVENTH DAY

Senate Chamber
Monday, October 8, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, though there is not much official business going on this week in the Senate, those of us here take the opportunity to pray for our world at war. The line drawn in the sand is no longer theoretical. The sounds and sights of battle echo from the distant land of Afghanistan. Be with those who make decisions about this war on terrorism and with those who must carry out those decisions. We trust you, O God, to be our strength and our guide because you alone understand and arbitrate the difficult issues of justice and mercy. Amen."

Senator Miller announces that the Journal of Thursday, October 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 433, AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM. (Became law upon ratification, October 4, 2001—S.L. 2001-428.)

S.B. 35, AN ACT TO MAKE A TECHNICAL CORRECTION IN THE BOUNDARY BETWEEN IREDELL AND MECKLENBURG COUNTIES, AND TO ALLOW THE TOWN OF SWANSBORO TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE TOWN ZONING ORDINANCE. (Became law upon ratification, October 4, 2001, S.L. 2001-429.)

Upon motion of Senator Carrington, seconded by Senator Miller, the Senate adjourns at 12:02 P.M. to meet Thursday, October 11, at 12:00 Noon.

ONE HUNDRED FORTY-EIGHTH DAY

Senate Chamber
Thursday, October 11, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

October 8, 2001

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, in the absence of most of the Senate family today, we pray for two in particular. Continue to be near and strengthen Senator Charles Carter as he recovers from his very serious illness. We also ask that you be especially close to our Principal Clerk, Janet Pruitt. On Saturday she will be experiencing all the emotions attendant in the wedding ceremony of her son, Bryan, to Jeni Leeds. Affirm her as a devoted mother and bless Bryan's marriage we pray. Amen."

Senator Reeves announces that the Journal of Monday, October 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 879, AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

H.B. 955, AN ACT TO PREVENT THE MISREPRESENTATION OF THE AUTHORITY OF A NOTARY PUBLIC.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 571, AN ACT TO SIMPLIFY THE COLLECTION OF TELECOMMUNICATIONS TAXES. (Became law upon approval of the Governor, October 6, 2001—S.L. 2001-430.)

S.B. 181, AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY. (Became law upon approval of the Governor, October 6, 2001—S.L. 2001-431.)

H.B. 1269, AN ACT REGARDING AIRPORT FEES AND CHARGE FOR RENTAL CARS. (Became law upon approval of the Governor, October 6, 2001—S.L. 2001-432.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
October 11, 2001

October 11, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for H.B. 969, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, and requests conferees.

The Speaker has appointed:

Representative Hackney, Chair
Representative Gibson,
Representative Culpepper,
Representative C. Wilson, and
Representative Weiss

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
October 11, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on H.B. 108, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY, ANSON, BEAUFORT, CABARRUS, CAMDEN, CHEROKEE, CHOWAN, CURRITUCK, FORSYTH, GRAHAM, GRANVILLE, HARNETT, HAYWOOD, JACKSON, LEE, MADISON, MONTGOMERY, PASQUOTANK, PERQUIMANS, PITT, STANLY, SWAIN, VANCE, WARREN, AND YADKIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
October 9, 2001

October 11, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on H.B. 685, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
October 8, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on S.B. 352, A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 352 on October 4, the President orders the bill enrolled and sent to the Governor.

House of Representatives
October 9, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on S.B. 199, A BILL TO BE ENTITLED AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE

October 11, 2001

PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives had adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 199 on October 4, the President orders the bill enrolled and sent to the Governor by special message.

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 1245 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MALE RESIDENTS AGE EIGHTEEN THROUGH TWENTY-FIVE COMPLY WITH THE SELECTIVE SERVICE SYSTEM'S REGISTRATION REQUIREMENTS WHEN APPLYING FOR A DRIVERS LICENSE OR IDENTIFICATION CARD.

Referred to the **Judiciary II Committee**.

H.B. 1299 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

Upon motion of Senator Miller, seconded by Senator Webster, the Senate adjourns subject to ratification of bills, to meet Monday, October 15, at 12:00 Noon.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 352, AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE.

October 11, 2001

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 685, AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX.

Pursuant to Senator Miller's motion to adjourn having prevailed, the Senate adjourns at 12:05 P.M.

ONE HUNDRED FORTY-NINTH DAY

Senate Chamber
Monday, October 15, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Principal Clerk of the Senate, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, it is said that 'One travels the world over in search of what he or she needs and returns home to find it.'

"On a day when the Senators and Representatives are at home we pray that they may find in their minds and hearts fresh perspective and quiet solutions to the contentious issue of redistricting which still must be debated upon their return. Nurture in them a spirit at home that results in cooperation here. Amen."

*George Moore (1852-1933)

Senator Reeves announces that the Journal of Thursday, October 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1154, AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA. (Became law upon approval of the Governor, October 11, 2001—S.L. 2001-433.)

H.B. 685, AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT

October 15, 2001

TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX. (Became law upon ratification, October 11, 2001–S.L. 2001-434.)

H.B. 943, AN ACT TO AUTHORIZE DISCONTINUED SERVICE RETIREMENT ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (Became law upon approval of the Governor, October 12, 2001–S.L. 2001-435.)

H.B. 359, AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS. (Became law upon approval of the Governor, October 12, 2001–S.L. 2001-436.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

Upon motion of Senator Miller, seconded by Senator Reeves, the Senate adjourns at 12:05 P.M. to meet Wednesday, October 17, at 3:00 P.M.

ONE HUNDRED FIFTIETH DAY

Senate Chamber
Wednesday, October 17, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, the Senate returns today to take care of some unfinished business. They do so with the realization that high profile public servants now must operate in a very difficult job with increased threats of danger. Protect the legislative family as well as their counterparts all over our country. May the upcoming deliberations be undergirded by a strong faith in your ability to guide the process and a humble faith that they are equal to the task. 'Faith furnishes our prayers with wings, without which they cannot soar to heaven.' Amen."

*St. John Circadus (525-600)

The Chair grants leaves of absence for today to Senator Basnight, Senator Carter, October 17, 2001

Senator Hagan, Senator Martin of Pitt and Senator Warren.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of Monday, October 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Mary Linhardt from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 199, AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 381, AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL. (Became law upon approval of the Governor, October 15, 2001–S.L. 2001-437.)

S.B. 210, AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS. (Became law upon approval of the Governor, October 15, 2001–S.L. 2001-438.)

S.B. 92, AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES. (Became law upon approval of the Governor, October 15, 2001–S.L. 2001-439.)

S.B. 312, AN ACT TO: (1) AMEND CERTAIN LAWS RELATING TO THE CERTIFICATION OF WELL CONTRACTORS AND TO INCREASE THE MAXIMUM CIVIL PENALTY THAT MAY BE ASSESSED FOR VIOLATIONS OF THE WELL CONTRACTORS CERTIFICATION ACT OR THE WELL CONSTRUCTION ACT; (2) CLARIFY THAT THE REQUIREMENTS OF G.S. 106-660 APPLY ONLY TO INSTALLATIONS THAT HANDLE, STORE, DISTRIBUTE, OR APPLY ANHYDROUS AMMONIA FOR FERTILIZER USE; (3) REQUIRE THAT SOLID WASTE THAT IS TO BE INCINERATED IN CERTAIN INCINERATORS BE VISUALLY INSPECTED IN ORDER TO PREVENT THE INCINERATION OF WASTE THAT MAY NOT BE LAWFULLY INCINERATED; AND (4) AMEND THE EXEMPTION OF CERTAIN ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK FROM REGULATION AS FOOD AND LODGING FACILITIES. (Became law upon approval of the Governor, October 15, 2001–S.L. 2001-440.)

S.B. 438, AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER. (Became law upon approval of the Governor, October 15, 2001–S.L. 2001-441.)

H.B. 1063, AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS AND TO AUTHORIZE THE STATE BUILDING COMMISSION TO ADOPT RULES TO AUTHORIZE OPEN-END DESIGN AGREEMENTS FOR WETLANDS MITIGATION AND SIMILAR PROJECTS. (Became law upon approval of the Governor, October 15, 2001–S.L. 442.)

S.B. 890, AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES. (Became law upon approval of the Governor, October 15, 2001–S.L. 2001-443.)

H.B. 327, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY AND TO GIVE THE STATE TREASURER MORE INVESTMENT FLEXIBILITY WITH RETIREMENT SYSTEMS' ASSETS. (Became law upon approval of the Governor, October 15, 2001–S.L. 2001-444.)

S.B. 703, AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT RESUSCITATE ORDER. (Became law upon approval of the Governor, October 15, 2001–S.L. 2001-445.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1192, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE POLL
October 17, 2001

CLOSING TIMES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6772, which changes the title to read **H.B. 1192** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CRAVEN COUNTY MORE FLEXIBILITY IN MODIFYING THE MANNER OF ELECTION OF ITS BOARD OF COMMISSIONERS, is adopted and engrossed.

Upon adoption of the Senate Committee Substitute bill, the bill becomes a local bill.

With unanimous consent, upon motion of Senator Clodfelter, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

H.B. 898 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE STATE EMPLOYEE FEDERAL REMEDY RESTORATION ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3951 is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, October 22.

H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, upon third reading.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, October 24, upon third reading.

H.B. 253 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE

REGISTER OF DEEDS, upon third reading, as amended on second reading.

Senator Hartsell offers Amendment No. 2 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foss, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons---43.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1427 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foss, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—42.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Thursday, October 18, upon third reading .

The Senate recesses at 3:28 P.M. for the purpose of an Appropriations/Base Budget meeting to reconvene at 3:48 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations/Base Budget Committee**:

H.B. 1299 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM, with a favorable report.

Upon motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

October 17, 2001

CALENDAR (*continued*)

H.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS.

Senator Clodfelter offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second (38-7) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon House Bill 108 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on H.B. 108, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, Senate Finance Committee Substitute Adopted 6/20/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 6/20/01, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H108-PCCS9352-RB-4.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 4, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ David Hoyle, Chair
S/ John Kerr
S/ Fletcher Hartsell

S/ Phillip Haire, Chair
S/ Joe Hackney
Phil Baddour
S/ Monroe Buchanan

The text of the attached Proposed Conference Committee Substitute H108-PCCS9352-RB-4 is as follows:

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE ALLEGHANY, ANSON, BEAUFORT, CABARRUS,

October 17, 2001

CAMDEN, CHEROKEE, CHOWAN, CURRITUCK, FORSYTH, GRAHAM, GRANVILLE, HARNETT, HAYWOOD, JACKSON, LEE, MADISON, MONTGOMERY, PASQUOTANK, PERQUIMANS, PITT, STANLY, SWAIN, VANCE, WARREN, AND YADKIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 161 of the General Statutes is amended by adding a new section to read:

"§ 161-31. Tax certification.

(a) Tax Certification. – The board of commissioners of a county may, by resolution, require the register of deeds not to accept any deed transferring real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed. The county commissioners may describe the form the certification must take in its resolution.

(b) Applicability. – This section applies only to Alleghany, Anson, Beaufort, Cabarrus, Camden, Cherokee, Chowan, Currituck, Forsyth, Graham, Granville, Harnett, Haywood, Jackson, Lee, Madison, Montgomery, Pasquotank, Perquimans, Pitt, Stanly, Swain, Vance, Warren, and Yadkin Counties."

SECTION 2. G.S. 161-14(a) reads as rewritten:

"(a) ~~The~~ Except as provided in G.S. 161-31, the register of deeds shall immediately register all written instruments presented to him for registration. When an instrument is presented for registration, the register of deeds shall endorse upon it the day and hour on which it was presented. This endorsement forms a part of the registration of the instrument. All instruments shall be registered in the precise order in which they were presented for registration. Immediately after endorsing the day and hour of presentation upon an instrument, the register of deeds shall index and cross-index it in its proper sequence. He shall then proceed to register it on the day that it is presented unless a temporary index has been established.

The register of deeds may, in his discretion, establish a temporary index in which all instruments presented for registration shall be indexed until they are registered and entered in the permanent indexes. A temporary index shall operate in all respects as the permanent index. All instruments presented for registration shall be registered and indexed and cross-indexed on the permanent indexes not later than 30 days after the date of presentation."

SECTION 3. This act is effective when it becomes law. Section 2 of this act is repealed July 1, 2002.

The Conference Report is placed on the Calendar for Wednesday, October 24, for adoption.

WITHDRAWAL FROM CALENDAR

Without objection, upon motion of Senator Rand, the following bills are withdrawn from the Calendar of Thursday, October 18, and placed on the Calendar for Wednesday, October 24.

H.B. 898 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE STATE EMPLOYEE FEDERAL REMEDY RESTORATION ACT.

H.B. 1427 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION.

October 17, 2001

Without objection, upon motion of Senator Rand, the following bill is withdrawn from the Calendar of Thursday, October 18, and placed on the Calendar for Wednesday, October 24.

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

CALENDAR *(continued)*

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES, upon second reading.

With unanimous consent, upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, October 24, for concurrence, upon second reading.

H.B. 1192 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CRAVEN COUNTY MORE FLEXIBILITY IN MODIFYING THE MANNER OF ELECTION OF ITS BOARD OF COMMISSIONERS, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1299 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
October 17, 2001

October 17, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Owens and Baddour have been added as conferees to House Committee Substitute for **S.B. 470**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
October 17, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **H.B. 110**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO VETERANS OF WORLD WAR II, THE KOREAN WAR, AND THE UNITED STATES NAVY SUBMARINE SERVICE, and requests conferees,

The Speaker appoints:

Representative Cole,
Representative Haire,
Representative J. Crawford, and
Representative Teague

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

APPOINTMENT OF ADDITIONAL CONFEREE

H.B. 382 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT
October 17, 2001

ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA. Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Ballantine as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 969 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS.

Pursuant to the message from the House of Representatives received October 11 that the House fails to concur in the Senate Committee Substitute for HB 969 and requests conferees, Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Swindell, Chairman; and Senator Garrou; Senator Hoyle; Senator Odom; Senator Plyler and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 110 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND BLUE RIDGE PARKWAY FOUNDATION.

Pursuant to the message from the House of Representatives received today that the House fails to concur in the Senate Committee Substitute for HB 110 and requests conferees, Senator Hoyle offers a motion that the Senate appoint conferees.

Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chairman; and Senator Albertson; Senator Ballantine; Senator Kerr and Senator Shaw of Cumberland as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Ballance, seconded by Senator Ballantine, the Senate adjourns subject to introduction of bills to meet tomorrow, Thursday, October 18 at 12:00 Noon.

INTRODUCTION OF A BILL

Without objection, upon motion of Senator Rand, the rules are suspended to allow that the following bill be filed and introduced:

By Senators Rand; Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly,

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Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons:

S.B. 1108, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE MANUFACTURE, POSSESSION, STORAGE, TRANSPORTATION, DELIVERY, OR ACQUISITION OF CERTAIN WEAPONS OF MASS DESTRUCTION, AND TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF CERTAIN WEAPONS OF MASS DESTRUCTION AND THE FALSE REPORTING OR THE PLACING OF A FALSE WEAPON OF MASS DESTRUCTION.

Referred to **Judiciary I Committee**.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 4:18 P.M.

ONE HUNDRED FIFTY-FIRST DAY

Senate Chamber
Thursday, October 18, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, when the Senate meets in full session there's usually enough on our own agenda for which to pray. But since we are small in number today we offer our prayer in behalf of the members of the House. Help them to find a reasonable solution to the debate before them. Where they differ let them find common ground to the end that we may all move forward to a desirable conclusion of this session. Amen."

Senator Purcell announces that the Journal of yesterday, Wednesday, October 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 1006, AN ACT TO CONSOLIDATE VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

H.B. 1048, AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND WHAT IS REQUIRED AS OF JUNE 30, 2003, WITH CERTAIN EXCEPTION; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES.

October 18, 2001

H.B. 1299, AN ACT TO APPROPRIATE FUNDS FROM THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM.

H.B. 1362, AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES AND TO AUTHORIZE THE NORTH CAROLINA RESPIRATORY CARE BOARD TO INCREASE FEES.

REMOVAL OF BILL CO-SPONSOR

Senator Kinnaird requests that she be removed as a sponsor of previously introduced legislation:

S.B. 1108, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE MANUFACTURE, POSSESSION, STORAGE, TRANSPORTATION, DELIVERY, OR ACQUISITION OF CERTAIN WEAPONS OF MASS DESTRUCTION, AND TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF CERTAIN WEAPONS OF MASS DESTRUCTION AND THE FALSE REPORTING OR THE PLACING OF A FALSE WEAPON OF MASS DESTRUCTION.

Upon motion of Senator Reeves, seconded by Senator Kinnaird, the Senate adjourns subject to ratification of bills, to meet Monday, October 22, at 12:00 Noon.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 13, AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT INFORMING THEM OF THEIR OPTIONS; TO AMEND THE SURPLUS LINES LAW TO CONFORM IT TO THE GRAMM-LEACH-BLILEY ACT; AND TO CORRECT AN ERROR IN AN AMENDMENT TO THE WORKERS' COMPENSATION ACT.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 1192, AN ACT TO ALLOW CRAVEN COUNTY MORE FLEXIBILITY IN MODIFYING THE MANNER OF ELECTION OF ITS BOARD OF COMMISSIONERS

Pursuant to Senator Reeves' motion to adjourn having prevailed, the Senate adjourns at 12:06 P.M.

ONE HUNDRED FIFTY-SECOND DAY

Senate Chamber
Monday, October 22, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Brad Miller, Senator from Wake County, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O God, when scripture says be kind one to another tenderhearted, loving one another, what it means is that a loving person lives in a loving world. A hostile person lives in a hostile world. Everyone we meet is our mirror. Help us to mirror your love in a hurting, hostile world today. Amen."

Senator Reeves announces that the Journal of Thursday, October 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 199, AN ACT TO IMPROVE PATIENT ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS BY PROVIDING FOR: CONTINUITY OF CARE IN HMOs, EXTENDED OR STANDING REFERRAL TO A SPECIALIST, SELECTION OF SPECIALIST AS PRIMARY CARE PROVIDER, DIRECT ACCESS TO PEDIATRICIANS, ACCESS TO NONFORMULARY AND RESTRICTED ACCESS PRESCRIPTION DRUGS, ESTABLISHMENT OF THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, PATIENT'S RIGHT TO CHOOSE THE PROVIDER OF SERVICES UNDER A HEALTH BENEFIT PLAN AND PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS AS PARTICIPATING PROVIDERS BASED ON THE PROVIDER'S LICENSE OR CERTIFICATION, PROHIBITION ON CERTAIN MANAGED CARE PROVIDER INCENTIVES, MANAGED CARE REPORTING AND DISCLOSURE REQUIREMENTS, PROVIDER DIRECTORY INFORMATION, DISCLOSURE OF PAYMENT OBLIGATIONS, MANDATED COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING, AND STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN; TO PROVIDE THAT ENROLLEES OF HEALTH MAINTENANCE ORGANIZATIONS RECEIVE THE PROTECTIONS PROVIDED BY THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING HEALTH CARE DECISIONS. (Became law upon approval of the Governor, October 18, 2001–S.L. 2001-446.)

H.B. 1192, AN ACT TO ALLOW CRAVEN COUNTY MORE FLEXIBILITY IN MODIFYING THE MANNER OF ELECTION OF ITS BOARD OF COMMISSIONERS. (Became law upon ratification, October 18, 2001–S.L. 2001-447.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
October 18, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to HB 253, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, and requests conferees.

The Speaker appoints:

Representative Warwick,
Representative Brubaker,
Representative Wright, and
Representative Nye

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

S.B. 680 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS, TO AMEND THE LAW REGARDING CONCEALED HANDGUN PERMIT FEES, AND TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES, for concurrence in the House Committee Substitute bill No. 2.

Referred to **Judiciary II Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 833 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE

October 22, 2001

PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND, for concurrence in the House Committee Substitute bill No. 2.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk.

Upon motion of Senator Swindell, seconded by Senator Reeves, the Senate adjourns at 12:08 P.M. to meet, Wednesday, October 24, at 12:00 Noon.

ONE HUNDRED FIFTY-THIRD DAY

Senate Chamber
Wednesday, October 24, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Senate Principal Clerk, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, in our prayers most of us are asking what's wrong with our world. Many years ago, when asked to write a letter to the *London Times* on 'What's wrong with the world?', G.K. Chesterton wrote, 'Dear Sirs, I am. Yours truly, G.K. Chesterton.'

"Forgive us, O God, this day our own shortcomings so that we may be renewed and forgiven. Then we may influence others with a similar grace. Amen."

Senator Cunningham announces that the Journal of Monday, October 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 352, AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE. (Became law upon approval of the Governor, October 20, 2001–S.L. 2001-448.)

S.B. 879, AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS. (Became law upon approval of the Governor, October 20, 2001–S.L. 2001-449.)

H.B. 955, AN ACT TO PREVENT THE MISREPRESENTATION OF THE AUTHORITY OF A NOTARY PUBLIC. (Became law upon approval of the Governor, October 20, 2001–S.L. 2001-450.)

October 24, 2001

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

S.B. 920 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE STATUTES AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, October 25.

S.B. 968 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, October 25.

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 833 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND, received from the House of Representatives on October 22 for concurrence in the House Committee Substitute bill No. 2 and ordered held in the Office of the Principal Clerk.

The House Committee Substitute bill No. 2 is withdrawn from the Clerk's office and placed on the Calendar for tomorrow, Thursday, October 25.

CALENDAR

All bills on today's Calendar are carried over to the Calendar of Thursday, October 25, as unfinished business.

Upon motion of Senator Miller, seconded by Senator Cunningham, the Senate adjourns at 12:08 P.M. to meet tomorrow, Thursday, October 25, at 11:00 A.M.

ONE HUNDRED FIFTY-FOURTH DAY

Senate Chamber
Thursday, October 25, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

October 25, 2001

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we continue to pray for the members of the House as they wrestle with redistricting. It's serious business but we must admit that we empathize with the line in a church worship bulletin which stated, 'The Pastor will preach his farewell message after which the choir will sing *Break Forth Into Joy.*'"

"By this time we're all looking for some signs of both farewell and joy. Amen."

Senator Kinnaird announces that the Journal of yesterday, Wednesday, October 24, has been examined and is found to be correct. Upon her motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1270, AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS.

CALENDAR

All bills on today's Calendar are carried over to the Calendar of Monday, October 29, as unfinished business.

Upon motion of Senator Wellons, seconded by Senator Kinnaird, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Monday, October 29, at 12:00 Noon.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
October 25, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to H.B. 1195, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, and requests conferees.

The Speaker appoints:

Representative Blue, Chair;
Representative Goodwin,
Representative Kiser,

October 25, 2001

Representative Michaux, and
Representative Nesbitt

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

A Special message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill is presented to the Senate, read the first time, and disposed of, as follows:

H.B. 1468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER.

Referred to **Judiciary I Committee**.

Pursuant to Senator Wellons's motion to adjourn having prevailed, the Senate adjourns at 11:03 A.M.

ONE HUNDRED FIFTY-FIFTH DAY

Senate Chamber
Monday, October 29, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Principal Clerk, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, regardless of age, none are so old as those who have outlived enthusiasm. But remembering that you have blessed each of us in this room far greater than we deserve, help us to live this day with gratitude for your goodness and an enthusiasm for life that is contagious and helpful to others. In your name we pray, Amen."

Senator Miller announces that the Journal of Thursday, October 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

October 29, 2001

CALENDAR

All bills on today's Calendar are carried over to the Calendar of Wednesday, October 31, as unfinished business.

REMOVAL OF BILL CO-SPONSOR

Senator Webster requests that he be removed as a sponsor of previously introduced legislation:

S.B. 1108, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE MANUFACTURE, POSSESSION, STORAGE, TRANSPORTATION, DELIVERY, OR ACQUISITION OF CERTAIN WEAPONS OF MASS DESTRUCTION, AND TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF CERTAIN WEAPONS OF MASS DESTRUCTION AND THE FALSE REPORTING OR THE PLACING OF A FALSE WEAPON OF MASS DESTRUCTION.

Upon motion of Senator Reeves, seconded by Senator Miller, the Senate adjourns at 12:06 P.M. to meet Wednesday, October 31, at 3:00 P.M.

ONE HUNDRED FIFTY-SIXTH DAY

Senate Chamber
Wednesday, October 31, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, Halloween night is looked forward to by the children of our State and Country because they experience welcome at neighborhood residences and candy to enjoy. We confess the events of the past month make us all somewhat uneasy about such public interaction.

"So we pray that you would protect our children tonight and let us all gain confidence and benefit from the community that is fostered in the acts of welcome and of giving and receiving. Amen."

Senator Foxx announces that the Journal of Monday, October 29, has been examined and is found to be correct. Upon her motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 13, AN ACT TO PROHIBIT INSURANCE COMPANIES FROM
October 31, 2001

RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT INFORMING THEM OF THEIR OPTIONS; TO AMEND THE SURPLUS LINES LAW TO CONFORM IT TO THE GRAMM-LEACH-BLILEY ACT; AND TO CORRECT AN ERROR IN AN AMENDMENT TO THE WORKERS' COMPENSATION ACT. (Became law upon approval of the Governor, October 28, 2001–S.L. 2001-451.)

H.B. 1006, AN ACT TO CONSOLIDATE VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS. (Became law upon approval of the Governor, October 28, 2001–S.L. 2001-452.)

H.B. 1048, AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND WHAT IS REQUIRED AS OF JUNE 30, 2003, WITH CERTAIN EXCEPTION; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES. (Became law upon approval of the Governor, October 28, 2001–S.L. 2001-453.)

H.B. 1299, AN ACT TO APPROPRIATE FUNDS FROM THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM. (Became law upon approval of the Governor, October 28, 2001–S.L. 2001-454.)

H.B. 1362, AN ACT TO ESTABLISH A CENTRAL REGISTRY FOR ADVANCE HEALTH CARE DIRECTIVES AND TO AUTHORIZE THE NORTH CAROLINA RESPIRATORY CARE BOARD TO INCREASE FEES. (Became law upon approval of the Governor, October 29, 2001–S.L. 2001-455.)

H.B. 1270, AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS. (Became law upon approval of the Governor, October 29, 2001–S.L. 456.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 139 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, November 1.

CALENDAR

All bills on today's Calendar are carried over to the Calendar of Thursday, November 1, as unfinished business.

Upon motion of Senator Miller, seconded by Senator Reeves, the Senate adjourns at 3:12 P.M. to meet tomorrow, Thursday, November 1, at 12:00 Noon.

ONE HUNDRED FIFTY-SEVENTH DAY

Senate Chamber
Thursday, November 1, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Principal Clerk, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, if it's true that experience is something we get when we don't get what we want then this has been a legislative session when almost everyone has gained experience. When we learn the lesson that you know more about government than we do, then we shall find more answers and get less experience. Amen."

Senator Miller announces that the Journal of yesterday, Wednesday, October 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
October 31, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SB 17, A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

November 1, 2001

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill for concurrence which is read the first time and disposed of, as follows:

S.B. 826 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUSPEND THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN APPLICANTS FOR CERTAIN POSITIONS IN CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS UNTIL JANUARY 1, 2003, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CRIMINAL HISTORY RECORD CHECKS, for concurrence in House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Monday, November 5.

CALENDAR

All bills on today's Calendar are carried over to the Calendar of Tuesday, November 6, as unfinished business.

Upon motion of Senator Reeves, seconded by Senator Miller, the Senate adjourns at 12:10 P.M. to meet Monday, November 5, at 3:00 P.M.

ONE HUNDRED FIFTY-EIGHTH DAY

Senate Chamber
Monday, November 5, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, it is November, the World Series ended last night, a month later than usual, but the work of the Legislature continues. For several weeks now the Senators have been at home, living more normal lives, watching as their colleagues in the House wrestled with redistricting.

"So as the Senators return this week to conclude the work of this Session, bring them back with a perspective and energy redefined and renewed by what they have learned as spectators rather than participants. Amen."

Senator Miller announces that the Journal of Thursday, November 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the

November 5, 2001

first time and disposed of, as follows:

H.B. 1471 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES.

Referred to **Appropriations/Base Budget Committee**.

S.B. 721 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE, for concurrence in House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is ordered held in the Office of the Senate Principal Clerk.

Senator Miller offers a motion that Rule 20 be suspended, which motion prevails.

Upon motion by Senator Miller, the Senate adjourns at 3:14 P.M. to meet tomorrow, Tuesday, November 6, at 3:00 P.M.

ONE HUNDRED FIFTY-NINTH DAY

Senate Chamber
Tuesday, November 6, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, it is good to see the Senators here today. We are especially glad for the return of Senator Carter for whom we have prayed diligently. For several weeks now the Senators have been at home, living more normally than usual and watching as their colleagues in the House wrestled with redistricting. Many of our prayers during that time have been in behalf of the members of the House.

"But today, as the Senators return to conclude the work of this Session we center our prayers on each of them asking that they have returned with a perspective and energy, redefined and renewed by what they have learned as spectators of the process rather than participants in it. In your holy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Kinnaird, Senator Martin of Pitt, Senator Odom and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, November 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

November 6, 2001

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS.

Referred to **Redistricting Committee**.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3955 is adopted and engrossed.

Upon motion of Senator Clodfelter, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, November 13.

S.B. 920 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE STATUTES AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES.

With unanimous consent, upon motion of Senator Albertson, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Friday, November 9.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

S.B. 571, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7692, which changes the title to read **S.B. 571** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator Lee for the **Appropriations/Base Budget Committee:**

H.B. 1471 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES, with a favorable report.

Upon motion of Senator Lee, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CONFERENCE REPORT

Senator Gulley, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 17 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, submits the following report:

November 6, 2001

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 17, A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, House Committee Substitute #2 Favorable 7/26/01, Sixth Edition Engrossed 9/13/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Committee Substitute #2 Favorable 7/26/01, Sixth Edition engrossed 9/13/01, and the Senate concurs in the House Committee Substitute as amended:

on page 1, lines 2-9 by rewriting those lines to read:

"AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.";

and on page 5, lines 23 and 24 by rewriting those lines to read:

"(1) Federal offices shall be listed before State and local offices. Member of the United States House of Representatives shall be listed immediately after United States Senator.";

and on page 6, lines 1-10 by rewriting the lines to read:

- "(1) Nominees of political parties that reflect at least five percent (5%) of statewide voter registration, according to the most recent statistical report published by the State Board of Elections, in alphabetical order by party and in alphabetical order within the party.
- (2) Nominees of other political parties, in alphabetical order by party and in alphabetical order within the party.
- (3) Unaffiliated candidates, in alphabetical order.";

and on page 9, line 28 by deleting the phrase "outside" and substituting the phrase "adjacent to";

and on page 10, line 41 by rewriting the line to read:

"(3) Except as provided by G.S. 163-166.9, no official ballots leave the voting enclosure during the time voting is".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 24, 2001.

Conferees for the Senate

S/ Wib Gulley
Kenneth R. Moore
S/ Anthony E. Rand
S/ Frank W. Ballance

Conferees for the House of Representatives

S/ Martha B. Alexander
S/ R. Eugene Rogers
S/ Donald A. Bonner
S/ Wayne Goodwin
Gene Arnold
S/ Henry M. Michaux, Jr.

Upon motion of Senator Gulley, the rules are suspended and the Conference Report is placed on today's Calendar, for adoption.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 774 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 774, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES, House Committee Substitute Favorable 5/29/01, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute, House Committee Substitute Favorable 5/29/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute S774-CCSSO-1(v. 8).

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 6, 2001.

Conferees for the Senate

S/ Anthony Eden Rand, Chair
S/ David W. Hoyle
S/ Fletcher Lee Hartsell, Jr.

Conferees for the House of Representatives

S/ Joe Hackney, Chair
Daniel T. Blue, Jr.
S/ Robert J. Hensley, Jr.
S/ Gene Gray Arnold

The text of the attached Proposed Conference Committee Substitute S774-CCSSO-1 is as follows:

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF
CUSTOMERS OF PUBLIC ENTERPRISES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 132-1.1 reads as rewritten:

"§ 132-1.1. Confidential communications by legal counsel to public board or agency; State tax ~~information~~ information; public enterprise billing information.

(a) Confidential Communications. – Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

(b) State and Local Tax Information. – Tax information may not be disclosed except as provided in G.S. 105-259. As used in this subsection, "tax information" has the same meaning as in G.S. 105-259. Local tax records that contain information about a taxpayer's income or receipts may not be disclosed except as provided in G.S. 153A-148.1 and G.S. 160A-208.1.

(c) Public Enterprise Billing Information. – Billing information compiled and maintained by a city or county or other public entity providing utility services in connection with the ownership or operation of a public enterprise is not a public record as defined in G.S. 132-1. Nothing contained herein is intended to limit public disclosure by a city or county of billing information:

- (i) that the city or county determines will be useful or necessary to assist bond counsel, bond underwriters, underwriters' counsel, rating agencies or investors or potential investors in making informed decisions regarding bonds or other obligations incurred or to be incurred with respect to the public enterprise;
- (ii) that is necessary to assist the city, county, State, or public enterprise to maintain the integrity and quality of services it provides; or
- (iii) that is necessary to assist law enforcement, public safety, fire protection, rescue, emergency management, or judicial officers in the performance of their duties.

As used herein, "billing information" means any record or information, in whatever form, compiled or maintained with respect to individual customers by any owner or operator of a public enterprise, as defined in G.S. 160A-311 and G.S. 153A-274, or other public entity providing utility services, relating to services it provides or will provide to the customer."

SECTION 2. This act is effective when it becomes law.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar, for adoption.

CALENDAR (*continued*)

H.B. 1471 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—42.

Voting in the negative: Senators Berger, Hoyle, Rucho and Webster—4.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1427 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 898 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE STATE EMPLOYEE FEDERAL REMEDY RESTORATION ACT.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER

ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES .

With unanimous consent, upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, November 13, upon second reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1471, AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES.

CALENDAR *(continued)*

S.B. 968 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—45.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill remains on the Calendar for Friday, November 9, for concurrence, upon third reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Martin of Guilford.

S.B. 139 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 826 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUSPEND THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN APPLICANTS FOR CERTAIN POSITIONS IN CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL

REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS UNTIL JANUARY 1, 2003, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CRIMINAL HISTORY RECORD CHECKS, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 833 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (45-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 1468 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (43-2) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Kerr, the rules are suspended and the Committee Substitute bill, as amended, is placed on today's Calendar for immediate consideration.

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 41, noes 3, as follows:.

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, November 6, 2001

Bingham, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—41.

Voting in the negative: Senators Carpenter, Forrester, Webster—3.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Wednesday, November 7, upon third reading.

CALENDAR *(continued)*

S.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 17 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES, Conference Report, for adoption, placed earlier on today's Calendar.

Upon motion of Senator Gulley, the Conference Report is adopted (29-14) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 774 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES, Conference Report, for adoption, placed earlier on today's Calendar.

Upon motion of Senator Rand, the Senate adopts the Conference Report (43-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 108 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY, ANSON, BEAUFORT, CABARRUS, CAMDEN, CHEROKEE, CHOWAN, CURRITUCK, FORSYTH, GRAHAM, GRANVILLE, HARNETT, HAYWOOD, JACKSON, LEE, MADISON, MONTGOMERY, PASQUOTANK, PERQUIMANS, PITT, STANLY, SWAIN, VANCE, WARREN, AND YADKIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, Conference Report, for adoption.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (42-1).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

The Senate recesses at 4:15 P.M. for the purpose of a Judiciary I meeting to reconvene at 4:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1019 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, (2) TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL TECHNOLOGIES ARE APPROVED, AND (3) TO CLARIFY THE OFFICE AND DUTIES OF AN ENVIRONMENTAL HEALTH SPECIALIST, with an unfavorable report as to Senate Committee Substitute Bill No. 2 , but favorable as to Senate Committee Substitute bill No. 3.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 3, 7690, which changes the title to read **H.B. 1019** (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, AND TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill No. 3 is referred to the **Finance Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1195 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR AND BY PRESCRIBING A METHOD FOR MAKING ABSENTEE BALLOT REQUESTS, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY.

Pursuant to the message from the House of Representatives received October 25 that the House fails to concur in the Senate Committee Substitute bill for HB 1195 and requests conferees, Senator Clodfelter offers a motion that the Senate appoint conferees, which motion prevails.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chairman; and Senator Ballance; Senator Cunningham; and Senator Wellons as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Carter, the Senate adjourns at 4:36 P.M. to meet Friday, November 9, at 11:00 A.M.

ONE HUNDRED SIXTIETH DAY

Senate Chamber
Friday, November 9, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by E. Wayne White, Staff Member in the Senate Principal Clerk's office, as follows:

"O God Our heavenly Father, you have blessed us and given us dominion over all the earth. Increase our reverence before the mystery of life and give us new insight into your purposes for the human race and new wisdom and determination in making provision for its future in accordance with your will, through Jesus Christ our Lord. Amen."

Senator Miller announces that the Journal of Tuesday, November 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 1471, AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES. (Became law upon approval of the Governor, November 8, 2001—S.L. 2001-457.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 865 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWN OF HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, AND TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND.

Referred to **Finance Committee**.

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT

November 9, 2001

TRIAD INTERNATIONAL AIRPORT AUTHORITY, for concurrence in House Committee Substitute No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, November 13.

CALENDAR

All bills on today's Calendar are carried over to the Calendar of Tuesday, November 13, as unfinished business.

Upon motion of Senator Lucas, seconded by Senator Miller, the Senate adjourns at 11:10 A.M. to meet Tuesday, November 13, at 3:00 P.M.

ONE HUNDRED SIXTY-FIRST DAY

Senate Chamber
Tuesday, November 13, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, our greatest challenge when facing difficult battles is not the fighting of the battle itself, but is in overcoming our presuppositions about what the battle will be like. Heroes are made because they act courageously, spontaneously, instinctively. The Senators return today with their own presuppositions about what is facing them. No one asks to be made a hero, O God, but give the Senators courage, a sense of rightness, and a spontaneity for whatever each day may bring. For your sake we pray, Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Carter, Senator Forrester, Senator Gulley, Senator Harris, Senator Hoyle, Senator Jordan, Senator Martin of Pitt and Senator Shaw of Cumberland.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, November 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 17, AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.

November 13, 2001

S.B. 139, AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

S.B. 826, AN ACT TO SUSPEND THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN APPLICANTS FOR CERTAIN POSITIONS IN CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS UNTIL JANUARY 1, 2003, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CRIMINAL HISTORY RECORD CHECKS.

S.B. 833, AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND.

H.B. 108, AN ACT TO AUTHORIZE ALLEGHANY, ANSON, BEAUFORT, CABARRUS, CAMDEN, CHEROKEE, CHOWAN, CURRITUCK, FORSYTH, GRAHAM, GRANVILLE, HARNETT, HAYWOOD, JACKSON, LEE, MADISON, MONTGOMERY, PASQUOTANK, PERQUIMANS, PITT, STANLY, SWAIN, VANCE, WARREN, AND YADKIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

H.B. 898, AN ACT TO ENACT THE STATE EMPLOYEE FEDERAL REMEDY RESTORATION ACT.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, November 20.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
November 8, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute No. 2 to HB 1427, A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE DEFINITIONS USED FOR AGRICULTURAL, HORTICULTURAL, AND FORESTRY LAND; TO PERMIT A CHANGE OF OWNERSHIP WITH CONTINUED QUALIFICATION FOR DEFERRED TAX STATUS; TO PROVIDE AN OPTION FOR PREPAYMENT OF ANY DEFERRED TAXES; TO CREATE A STUDY; AND TO MAKE CONFORMING CHANGES, and requests conferees.

The Speaker appoints:

Representative Hill, Chair;
Representative Baker,
Representative Coates,
Representative Kiser, and
Representative Bell

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows (*See Appendix.*):

Executive Order No. 12, Extending Executive Order No. 48

Executive Order No. 13, Governor's Task Force for Healthy Carolinians

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Miller for the **Redistricting Committee**:

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS, with a favorable report.

Upon motion of Senator Miller, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

H.B. 1046 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ACCURACY AND UNDERSTANDABILITY OF PRECINCT DATA,
November 13, 2001

with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3957, which changes the title to read **H.B. 1046** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR POSTPONING THE FILING PERIOD FOR CANDIDATES IN 2002 PRIMARY ELECTIONS AND FOR POSTPONING THE 2002 PRIMARY ELECTIONS IF NECESSARY; TO IMPROVE THE ACCURACY AND UNDERSTANDABILITY OF PRECINCT DATA; AND TO MAKE DEFINITIONAL AND TECHNICAL CHANGES TO THE ELECTION LAWS, is adopted and engrossed.

Upon motion of Senator Miller, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

Without objection, Senator Miller requests that Rule 67 be suspended to allow Amy Poythress, Court Reporter, onto the Senate floor to record the debate on **H.B. 1025** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS.

CALENDAR *(continued)*

H.B. 883 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading, as amended by the Finance Committee.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 38, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Hagan, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—38.

Voting in the negative: Senators Bingham, Carpenter and Webster—3.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

S.B. 968 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Hagan, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—39.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 920 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE STATUTES AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE

ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
November 13, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to HB 948, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", and requests conferees.

The Speaker appoints:

Representative Culpepper, Chair;
Representative Smith, and
Representative Gray

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

CALENDAR *(continued)*

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES, upon second reading.

With unanimous consent, upon motion of Senator Clodfelter, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Friday, November 16, upon second reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 1054 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE METHOD OF ELECTING SUPREME COURT JUSTICES AND
November 13, 2001

COURT OF APPEALS JUDGES AND TO ESTABLISH A FAIR ELECTIONS FUND THAT PROVIDES CANDIDATES FOR THESE OFFICES WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 3956, is adopted and engrossed.

The Committee Substitute bill No. 2 is placed on the Calendar for Friday, November 16.

H.B. 1389, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL FORCES ASSOCIATION SPECIAL REGISTRATION PLATE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6773, which changes the title to read **H.B. 1389** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE FOR RETIRED MAGISTRATE, is adopted and engrossed.

The Senate Committee Substitute bill is placed on the Calendar for Friday, November 16.

CALENDAR *(continued)*

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY, upon second reading.

With unanimous consent, upon motion of Senator Kerr, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Friday, November 16, upon second reading.

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HOUSE DISTRICTS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (28-13) and third readings and is ordered enrolled.

H.B. 1046 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR POSTPONING THE FILING PERIOD FOR CANDIDATES IN 2002 PRIMARY ELECTIONS AND FOR POSTPONING THE 2002 PRIMARY ELECTIONS IF NECESSARY; TO IMPROVE THE ACCURACY AND UNDERSTANDABILITY OF PRECINCT DATA; AND TO MAKE DEFINITIONAL AND TECHNICAL CHANGES TO THE ELECTION LAWS, placed earlier on today's Calendar.

Senator Miller offers Amendment No. 1 which is adopted (28-13), and changes the title to read **H.B. 1046** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR POSTPONING THE FILING PERIOD FOR CANDIDATES IN 2002 PRIMARY ELECTIONS AND FOR POSTPONING THE 2002 PRIMARY ELECTIONS IF NECESSARY; TO PERMANENTLY CHANGE FILING PERIODS BEGINNING AFTER 2002; TO IMPROVE THE ACCURACY AND

UNDERSTANDABILITY OF PRECINCT DATA; AND TO MAKE DEFINITIONAL AND TECHNICAL CHANGES TO THE ELECTION LAWS.

The Senate Committee Substitute bill, as amended, passes its second (28-13) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 253 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS, AND TO PROVIDE THAT THE GENERAL LAW ON SUBDIVISION REGULATION SHALL APPLY IN PENDER COUNTY.

Pursuant to the message from the House of Representatives received on October 22 that the House fails to concur in the Senate Committee Substitute for HB 253 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Albertson, Chairman, and Senator Hartsell and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1427 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION.

Pursuant to the message from the House of Representatives received today that the House fails to concur in the Senate Committee Substitute bill No. 2 for HB 1427 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Hartsell, Chairman, and Senator Clodfelter and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 1472 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A BIOLOGICAL AGENTS REGISTRY, AND IMPOSING CIVIL PENALTIES FOR VIOLATION OF REGISTRY REQUIREMENTS.

Referred to **Health Care Committee**.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns subject to ratification of bills, to meet Friday, November 16, at 12:00 Noon.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and November 13, 2001

presented to the Office of the Secretary of State:

S.B. 798, AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS.

H.B. 1025, AN ACT TO ESTABLISH HOUSE DISTRICTS.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:11 P.M.

ONE HUNDRED SIXTY-SECOND DAY

Senate Chamber
Friday, November 16, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Cecil Goins, Senate Sergeant-at-Arms, as follows:

"Dear God, we come before you this beautiful Friday, the last Friday before Thanksgiving, seeking your guidance, your blessings, and your care. Give the leaders and all members of this Senate the wisdom and courage to make decisions that will benefit all the people of this great State, especially the poor, the downtrodden, and the 'least among us'.

"May the leaders and Members of the Senate and House reach a consensus soon, so that we can observe the most sacred ritual in the General Assembly when the great golden doors of both chambers are swung open and a white handkerchief is dropped, signaling the end of the longest session in North Carolina history.

"Now Lord, may the true spirit of your teachings rule our hearts, guide our thoughts and control our lives, so that we may become through thee servants of all. Amen."

Senator Kinnaird announces that the Journal of Tuesday, November 13, has been examined and is found to be correct. Upon her motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 920, AN ACT TO REPEAL OBSOLETE STATUTES AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES.

S.B. 968, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

H.B. 1046, AN ACT TO PROVIDE FOR POSTPONING THE FILING PERIOD FOR CANDIDATES IN 2002 PRIMARY ELECTIONS AND FOR POSTPONING THE 2002 PRIMARY ELECTIONS IF NECESSARY; TO PERMANENTLY CHANGE FILING PERIODS BEGINNING AFTER 2002; TO IMPROVE THE ACCURACY AND UNDERSTANDABILITY OF PRECINCT DATA; AND TO MAKE DEFINITIONAL AND TECHNICAL CHANGES TO THE ELECTION LAWS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 798, AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS. (Became law upon ratification, November 13, 2001–S.L. 2001-458.)

H.B. 1025, AN ACT TO ESTABLISH HOUSE DISTRICTS. (Became law upon ratification, November 13, 2001–S.L. 2001-459.)

S.B. 17, AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES. (Became law upon approval of the Governor, November 14, 2001–S.L. 2001-460.)

S.B. 833, AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND. (Became law upon approval of the Governor, November 14, 2001–S.L. 2001-461.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 748 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES.

Referred to **Finance Committee**.

H.B. 1477 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS.

Referred to **Redistricting Committee**.

S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN

INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, for concurrence in House Amendment No. 1.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk.

S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, November 19.

S.B. 881 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, November 19.

Special messages received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
November 14, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to H.B. 1468, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, and requests conferees.

The Speaker appoints:

Representative Baddour,
Representative Culpepper, and
Representative Sherrill,

November 16, 2001

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
November 15, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on SB 774, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 774 on November 6, the Chair orders the bill enrolled and sent to the Governor.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 948 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO CLARIFY HOW DISTANCES BETWEEN ABC ESTABLISHMENTS AND CHURCHES AND SCHOOLS ARE MEASURED, TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS.

Pursuant to the message received from the House of Representatives on November 13 that the House fails to concur in the Senate Committee Substitute for HB 948 and requests conferees, Senator Miller announces the appointment of Senator Soles, Chairman; and Senator Horton; Senator Reeves; Senator Robinson; and Senator Thomas as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1468 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL

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WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER.

Pursuant to the message received from the House of Representatives on November 16 that the House fails to concur in the Senate Committee Substitute for HB 1468 and requests conferees, Senator Miller announces the appointment of Senator Rand, Chairman, and Senator Ballance and Senator Carrington as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Reeves, seconded by Senator Miller, the Senate adjourns at 12:15 P.M. to meet Monday, November 19, at 4:00 P.M.

ONE HUNDRED SIXTY-THIRD DAY

Senate Chamber
Monday, November 19, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, it is Thanksgiving week. In an effort to participate in the spirit of Thanksgiving we are reminded of the familiar hymn that is sung throughout our land. It goes, 'We gather together to ask the Lord's blessing. He chastens and hastens his will to make known.' So hasten your will to be made known to the Senators, O God, in the decisions before them and then may they with Thanksgiving proceed. Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Carter, Senator Hoyle, Senator Jordan, Senator Kerr, Senator Lee, Senator Martin of Pitt and Senator Miller.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, November 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 139, AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM. (Became law upon approval of the Governor, November 16, 2001–S.L. 2001-462.)

S.B. 968, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, November 16, 2001–S.L. 2001-463.)

H.B. 108, AN ACT TO AUTHORIZE ALLEGHANY, ANSON, BEAUFORT, CABARRUS, CAMDEN, CHEROKEE, CHOWAN, CURRITUCK, FORSYTH, GRAHAM, GRANVILLE, HARNETT, HAYWOOD, JACKSON, LEE, MADISON, MONTGOMERY, PASQUOTANK, PERQUIMANS, PITT, STANLY, SWAIN, VANCE, WARREN, AND YADKIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. (Became law upon approval of the Governor, November 16, 2001–S.L. 2001-464.)

S.B. 826, AN ACT TO SUSPEND THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN APPLICANTS FOR CERTAIN POSITIONS IN CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS UNTIL JANUARY 1, 2003, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CRIMINAL HISTORY RECORD CHECKS. (Became law upon approval of the Governor, November 16, 2001–S.L. 2001-465.)

H.B. 1046, AN ACT TO PROVIDE FOR POSTPONING THE FILING PERIOD FOR CANDIDATES IN 2002 PRIMARY ELECTIONS AND FOR POSTPONING THE 2002 PRIMARY ELECTIONS IF NECESSARY; TO PERMANENTLY CHANGE FILING PERIODS BEGINNING AFTER 2002; TO IMPROVE THE ACCURACY AND UNDERSTANDABILITY OF PRECINCT DATA; AND TO MAKE DEFINITIONAL AND TECHNICAL CHANGES TO THE ELECTION LAWS. (Became law upon approval of the Governor, November 16, 2001–S.L. 2001-466.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 907 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is ordered held in the Office of the Senate Principal Clerk.

S.B. 841 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF CERTAIN PROCEEDS FOR CAPITAL EXPENDITURES AT THE DOBBS YOUTH DEVELOPMENT CENTER; APPROPRIATING FUNDS FOR PHOTONICS AND OPTOELECTRONICS RESEARCH, FOR SICKLE CELL SYNDROME MEDICAL CARE, FOR OPTIONAL CIRCUMCISION PROCEDURES FOR MEDICAID ELIGIBLE NEWBORNS, FOR

NECESSARY CHILD CARE FOR NEEDY FAMILIES, FOR THE ADVANCE HEALTH CARE DIRECTIVE REGISTRY, AND FOR SPECIALTY FOODS MARKETING; TRANSFERRING FUNDS FOR FLOODPLAIN MAPPING; INDICATING THE GENERAL ASSEMBLY'S INTENT TO APPROPRIATE FUNDS TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM; ADDING THE SECRETARY OF REVENUE AS AN EX OFFICIO MEMBER OF THE ECONOMIC DEVELOPMENT BOARD; STUDYING ADVERTISING IN PUBLICATIONS OF THE DIVISION OF MOTOR VEHICLES; AND RELATING TO CRIMINAL JUSTICE PARTNERSHIP GRANT FUNDS, AUTHORIZATION FOR INDIAN GAMING COMPACT, GENERAL ASSEMBLY PUBLICATIONS, COMMUNITY COLLEGES GENERIC FEES, LIMITED DURATION LICENSES, DISPOSITION OF CERTAIN TAX PROCEEDS, DELINQUENT TAX PAYMENTS, HUMAN SERVICES REPORTING, DRUG COSTS UNDER MEDICAID, ACCESS TO PHARMACEUTICAL COMPANY PRESCRIPTION DRUG PROGRAMS, STATE HEALTH PLAN CO-PAYMENTS, STATE EMPLOYEE MILITARY AND EMERGENCY SERVICE LEAVE, COMMUNITY COLLEGES OPTIONAL RETIREMENT, CULTURAL RESOURCES DIGITAL ARCHIVES, AND ELECTRONIC PROCUREMENT, for concurrence in the House Committee Substitute bill.

Referred to **Appropriations/Base Budget Committee**.

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING A NONCONTIGUOUS ANNEXATION TO THE TOWN OF MIDLAND IN CABARRUS COUNTY AND VALIDATING ACTIONS OF THE TOWN OF LINDEN IN CUMBERLAND COUNTY.

Referred to **Finance Committee**.

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
November 16, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute No. 2 to HB 231, A BILL TO BE ENTITLED AN ACT TO (1) ELIMINATE THE MARRIAGE TAX PENALTY FOR THE STANDARD DEDUCTION, (2) INCREASE THE TAX CREDIT FOR CHILDREN FROM \$60 TO \$100 PER CHILD, (3) PROVIDE A STABLE SOURCE OF REVENUE FOR LOCAL GOVERNMENTS BY AUTHORIZING A LOCAL OPTION, HALF-CENT SALES TAX, (4) REPEAL THE LOCAL TAX REIMBURSEMENTS PAID ANNUALLY TO LOCAL GOVERNMENTS, (5) PROVIDE A HOLD HARMLESS PAYMENT FOR THOSE COUNTIES AND MUNICIPALITIES WHOSE ESTIMATED GAIN FROM THE NEW SALES TAX WOULD BE LESS THAN 105% OF THEIR REPEALED REIMBURSEMENT AMOUNT, (6) ADD A NEW TAX BRACKET WITH AN ADDITIONAL 1/2% ON NET TAXABLE INCOME ABOVE \$200,000 FOR THREE YEARS, (7) EQUALIZE TAXATION OF HEALTH MAINTENANCE ORGANIZATIONS AND MEDICAL SERVICE CORPORATIONS AT 1% OF GROSS PREMIUMS, (8) APPLY THE SAME SALES TAX RATE TO SPIRITUOUS LIQUOR THAT APPLIES TO OTHER ALCOHOLIC BEVERAGES, (9) ELIMINATE THE SPECIAL TAX BREAK FOR LUXURY VEHICLES, (10) EXEMPT VOLUNTEER

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FIRE AND RESCUE VEHICLES FROM HIGHWAY USE TAX, (11) EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX, AND (12) ELIMINATE OTHER TAX LOOPHOLES AND CREDITS, and requests conferees.

The Speaker appoints:

Representative Redwine,
Representative Easterling,
Representative Thompson, and
Representative Oldham

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
November 16, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to HB 688, A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION, and requests conferees.

The Speaker appoints:

Representative Gibson,
Representative Warwick,
Representative Weatherly,
Representative Redwine, and
Representative Hill

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
November 16, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that
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Representative J. Crawford has been added as a conferee to Senate Committee Substitute for HB 688, A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO EARMARK A PORTION OF THE INCREASED TAX REVENUE FOR TURFGRASS RESEARCH AND EDUCATION.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
November 16, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to HB 917, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, and requests conferees.

The Speaker appoints:

Representative Luebke,
Representative Miller,
Representative Michaux,
Representative Jarrell,
Representative Alexander, and
Representative McComas

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
November 16, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to HB 1061, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PUBLIC WATER SYSTEMS THAT RESELL WATER FROM THE NORTH CAROLINA DRINKING WATER ACT, and requests conferees.

The Speaker appoints:

Representative Gibson,
Representative Warwick, and

November 19, 2001

Representative McComas

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
November 16, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to HB 1388, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS, and requests conferees.

The Speaker appoints:

Representative Hurley, Chair;
Representative McComas,
Representative Hill,
Representative Luebke,
Representative Smith,
Representative Dedmon,
Representative Preston,
Representative Cox, and
Representative Gibson

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, ordered held in the Office of the Principal Clerk on Friday, November 16.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from the Clerk's office and placed on today's Calendar.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

November 19, 2001

S.B. 1054 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REFORM THE METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES AND TO ESTABLISH A FAIR ELECTIONS FUND THAT PROVIDES CANDIDATES FOR THESE OFFICES WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is placed at the end of today's calendar.

H.B. 1389 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE FOR RETIRED MAGISTRATES.

With unanimous consent, upon motion of Senator Odom, the Senate Committee Substitute bill is temporarily displaced.

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES, upon second reading.

With unanimous consent, upon motion of Senator Basnight, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, November 27, upon second reading.

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY.

With unanimous consent, upon motion of Senator Basnight, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Tuesday, November 20, upon second reading.

S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill (0-42).

Senator Rand offers a motion to appoint conferees, which motion prevails.

S.B. 881 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Soles, the House Committee Substitute bill is temporarily displaced.

S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN

INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, placed earlier on today's Calendar.

With unanimous consent, upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Tuesday, November 20.

WITHDRAWAL FROM COMMITTEE

H.B. 1060, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ENVIRONMENTAL REMEDIATION AND RESTORATION ACTIVITIES ARE NOT STATE CAPITAL IMPROVEMENT PROJECTS, referred to the **Agriculture/Environment/Natural Resources Committee** on April 25.

Pursuant to Rule 47(a), Senator Albertson offers a motion that the bill be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-refers the measure to the **Judiciary I Committee**.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 1388 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT.

Pursuant to the message from the House of Representatives received Friday, November 16, that the House fails to concur in the Senate Committee Substitute for HB 1388 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Kerr, Chairman; and Senator Ballantine; Senator Jordan; Senator Plyler; Senator Soles; and Senator Thomas as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION, RESEARCH INITIATIVES FUNDED BY THE AGRICULTURAL ADVANCEMENT CONSORTIUM, AND THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE-FUNDING NEEDS.

Pursuant to the message from the House of Representatives received Friday, November 16, that the House fails to concur in the Senate Committee Substitute for HB 688 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Dalton, Chairman; and Senator Hoyle; Senator Kerr; Senator Lee; Senator Odom; Senator Plyler; and Senator Shaw of Guilford as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 231 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001.

Pursuant to the message from the House of Representatives received Friday, November 16, that the House fails to concur in the Senate Committee Substitute bill No. 2 for HB 231 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Plyler, Chairman; and Senator Lee; Senator Odom; and November 19, 2001

Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1061 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE PROCESS BY WHICH THE COST OF PROVIDING WATER AND SEWER SERVICE MAY BE ALLOCATED TO A DWELLING UNIT.

Pursuant to the message from the House of Representatives received Friday, November 16, that the House fails to concur in the Senate Committee Substitute for HB 1061 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chairman, and Senator Albertson and Senator Garwood as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%.

Pursuant to the message from the House of Representatives received Friday, November 16, that the House fails to concur in the Senate Committee Substitute for HB 917 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Gulley, Chairman, and Senator Hoyle and Senator Lucas as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR *(continued)*

S.B. 1054 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REFORM THE METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES AND TO ESTABLISH A FAIR ELECTIONS FUND THAT PROVIDES CANDIDATES FOR THESE OFFICES WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS, upon second reading.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is referred to the **Appropriations/Base Budget Committee**.

Upon the appearance of Senator Carter and Senator Kerr in the Chamber, the Chair acknowledges their presence and the leaves of absence granted previously are withdrawn.

WITHDRAWAL FROM COMMITTEE

S.B. 1054 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REFORM THE METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES AND TO ESTABLISH A FAIR ELECTIONS FUND THAT PROVIDES CANDIDATES FOR THESE OFFICES WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS, referred to the **Appropriations/Base Budget Committee** today, Monday, November 19.

Pursuant to Rule 47 (a), Senator Odom offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Appropriations/Base Budget Committee** and placed

on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 be withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

CALENDAR *(continued)*

S.B. 1054 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REFORM THE METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES AND TO ESTABLISH A FAIR ELECTIONS FUND THAT PROVIDES CANDIDATES FOR THESE OFFICES WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS, placed earlier on today's Calendar, upon second reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Robinson.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 28, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Kinnaird, Lucas, Martin of Guilford, Metcalf, Odom, Plyler, Purcell, Rand, Reeves, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—28.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Forrester, Foxx, Garwood, Hartsell, Horton, Kerr, Moore, Rucho, Shaw of Guilford and Webster—15.

The Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Tuesday, November 20, upon third reading.

S.B. 881 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

The Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM CALENDAR

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY, placed on the Calendar for tomorrow, Tuesday, November 20, for concurrence, upon second reading.

Senator Kerr offers a motion that the House Committee Substitute bill No. 2 be withdrawn from the Calendar for tomorrow, Tuesday, November 20, and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill No. 2 withdrawn from the Calendar for tomorrow, Tuesday, November 20, and places it before the Senate for immediate consideration.

The Chair grants a leave of absence for the remainder of today's session to Senator Metcalf.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading by roll-call vote, ayes 33, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Bingham, Carpenter, Carter, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Kerr, Lucas, Martin of Guilford, Moore, Odom, Plyler, Purcell, Rand, Reeves, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—33.

Voting in the negative: Senators Berger, Clodfelter, Cunningham, Foxx, Kinnaird, Rucho and Webster—7.

The Senate Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Tuesday, November 20, for concurrence, upon third reading.

APPOINTMENT OF ADDITIONAL CONFEREES

H.B. 231 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Ballance as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 5:48 P.M., subject to receipt of messages from the House of Representatives, to meet tomorrow, Tuesday, November 20, at 10:00 A.M.

ONE HUNDRED SIXTY-FOURTH DAY

Senate Chamber
Tuesday, November 20, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"There's not a day that goes by, O God, that we don't at some time resonate with these words written by the Apostle Paul to the church at Rome:

" 'We often find that we have the will to do good but not the power. We have left undone the things we ought to have done and we have done the very things which we ought not to have done!'

"We'll feel a whole lot better at one of those times when we ask your forgiveness then practice some old-fashioned repentance. To repent is to come to our senses. It's not so much something we do as something that happens. When we truly repent, we spend less time looking at the past and saying 'I'm sorry' than to the future and saying 'Thank you, God, for another opportunity to do good'. With Thanksgiving, we pray. Amen."

The Senate recesses at 10:15 A.M. to reconvene at 10:30 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Senate recesses at 10:30 A.M. for the purpose of a Finance Committee meeting to reconvene at 12:35 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants leaves of absence for today to Senator Carrington, Senator Dalton, Senator Jordan, Senator Lee, Senator Martin of Pitt, Senator Soles and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, November 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 774, AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES.

S.B. 881, AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT.

S.B. 970, AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL.

REPORTS OF COMMITTEES

A bill is reported from a standing committees, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 1472 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A BIOLOGICAL AGENTS REGISTRY, AND IMPOSING CIVIL PENALTIES FOR VIOLATION OF REGISTRY REQUIREMENTS, with a favorable report.

With unanimous consent, upon motion of Senator Purcell, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1054 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REFORM THE METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES AND TO ESTABLISH A FAIR ELECTIONS FUND THAT PROVIDES CANDIDATES FOR THESE OFFICES WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS.

With unanimous consent, upon motion of Senator Webster, the Committee Substitute bill No. 2 is temporarily displaced.

H.B. 1389 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE FOR RETIRED MAGISTRATES, upon second reading.

The President rules that the Senate Committee Substitute bill does not require a call of the roll.

Senator Hagan offers Amendment No. 1 which is adopted (39-0).

The Senate Committee Substitute bill, as amended, passes its second (40-0) and third readings and is ordered engrossed and sent by special message to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, November 27.

S.B. 748 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

Senator Berger announces a pair vote. If Senator Dalton were present, he would vote "aye"; Senator Berger votes "no".

The Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 32, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Carpenter, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle,

Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Swindell, Thomas, Weinstein and Wellons—32.

Voting in the negative: Senators Bingham, Clodfelter, Cunningham, Foxx, Kinnaird, Rucho and Webster—7.

The House Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (42-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 1472 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A BIOLOGICAL AGENTS REGISTRY, AND IMPOSING CIVIL PENALTIES FOR VIOLATION OF REGISTRY REQUIREMENTS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered enrolled and sent to the Governor.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1468 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1468, A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR

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THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, Senate Judiciary I Committee Substitute Adopted 11/6/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 11/6/01, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute H1468-PCCS9373-SA-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 20, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Anthony Eden Rand

S/ Philip A. Baddour, Jr.

S/ Frank Ballance, Jr.

S/ Bill Culpepper

S/ John H. Carrington, Jr.

S/ Wilma M. Sherrill

The text of the attached Proposed Conference Committee Substitute H1468-PCCS9373-SA-1 is as follows:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 36B.

"Nuclear, Biological, or Chemical Weapons of Mass Destruction.

"§ 14-288.21. Unlawful manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of a nuclear, biological, or chemical weapon of mass destruction; exceptions; punishment.

(a) Except as otherwise provided in this section, it is unlawful for any person to knowingly manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire a nuclear, biological, or chemical weapon of mass destruction.

(b) This section does not apply to:

- (1) Persons listed in G.S. 14-269(b) with respect to any activities lawfully engaged in while carrying out their duties.
- (2) Persons under contract with, or working under the direction of, the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts or pursuant to lawful direction.
- (3) Persons lawfully engaged in the development, production, manufacture, assembly, possession, transport, sale, purchase, delivery or acquisition of any biological agent, disease organism, toxic or poisonous chemical, radioactive substance or their immediate precursors, for preventive, protective, or other peaceful purposes.
- (4) Persons lawfully engaged in accepted agricultural, horticultural, or forestry practices; aquatic weed control; or structural pest and rodent control, in a manner approved by the federal, State, county, or local agency charged with authority over such activities.

(c) The term 'nuclear, biological, or chemical weapon of mass destruction', as used in this Article, means any of the following:

- (1) Any weapon, device, or method that is designed or has the capability to cause death or serious injury through the release, dissemination, or impact of:
 - a. Radiation or radioactivity;
 - b. A disease organism; or
 - c. Toxic or poisonous chemicals or their immediate precursors.
- (2) Any substance that is designed or has the capability to cause death or serious injury and:
 - a. Contains radiation or radioactivity;
 - b. Is or contains toxic or poisonous chemicals or their immediate precursors; or
 - c. Is or contains one or more of the following:
 1. Any select agent that is a microorganism, virus, bacterium, fungus, rickettsia, or toxin listed in Appendix A of Part 72 of Title 42 of the Code of Federal Regulations.
 2. Any genetically modified microorganisms or genetic elements from an organism on Appendix A of Part 72 of Title 42 of the Code of Federal Regulations, shown to produce or encode for a factor associated with a disease.
 3. Any genetically modified microorganisms or genetic elements that contain nucleic acid sequences coding for any of the toxins listed on Appendix A of Part 72 of Title 42 of the Code of Federal Regulations, or their toxic submits.

The term 'nuclear, biological, or chemical weapon of mass destruction' also includes any combination of parts or substances either designed or intended for use in converting any device or substance into any nuclear, biological, or chemical weapon of mass destruction or from which a nuclear, biological, or chemical weapon of mass destruction may be readily assembled or created.

(d) Any person who violates any provision of this section is guilty of a Class B1 felony.

"§ 14-288.22. Unlawful use of a nuclear, biological, or chemical weapon of mass destruction; punishment.

(a) Any person who unlawfully and willfully injures another by the use of a nuclear, biological, or chemical weapon of mass destruction is guilty of a Class A felony and shall be sentenced to life imprisonment without parole.

(b) Any person who attempts, solicits another, or conspires to injure another by the use of a nuclear, biological, or chemical weapon of mass destruction is guilty of a Class B1 felony.

(c) Any person who for the purpose of violating any provision of this Article, deposits for delivery or attempts to have delivered, a nuclear, biological, or chemical weapon of mass destruction by the United States Postal Service or other public or private business engaged in the delivery of mail, packages, or parcels is guilty of a Class B1 felony.

"§ 14-288.23. Making a false report concerning a nuclear, biological, or chemical weapon of mass destruction; punishment; restitution.

(a) Any person who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that causes any person to reasonably believe that there is located at any place or structure whatsoever any nuclear, biological, or chemical weapon of mass destruction is guilty of a Class D felony.

(b) The court may order a person convicted under this section to pay restitution, including costs and consequential damages resulting from disruption of the normal activity that would have otherwise occurred but for the false report, pursuant to Article 81C of Chapter 15A of the General Statutes.

(c) For purposes of this section, the term 'report' shall include making accessible to another person by computer.

"§ 14-288.24. Perpetrating hoax by use of false nuclear, biological, or chemical weapon of mass destruction; punishment; restitution.

(a) Any person who, with intent to perpetrate a hoax, conceals, places, or displays any device, object, machine, instrument, or artifact, so as to cause any person reasonably to believe the same to be a nuclear, biological, or chemical weapon of mass destruction is guilty of a Class D felony.

(b) The court may order a person convicted under this section to pay restitution, including costs and consequential damages resulting from disruption of the normal activity that would have otherwise occurred but for the hoax, pursuant to Article 81C of Chapter 15A of the General Statutes."

SECTION 2. G.S. 14-17 reads as rewritten:

"§ 14-17. Murder in the first and second degree defined; punishment.

A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 17 years of age at the time of the murder shall be punished with imprisonment in the State's prison for life without parole. Provided, however, any person under the age of 17 who commits murder in the first degree while serving a prison sentence imposed for

a prior murder or while on escape from a prison sentence imposed for a prior murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be proximately caused by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or cocaine or other substance described in G.S. 90-90(1)d., when the ingestion of such substance causes the death of the user, shall be deemed murder in the second degree, and any person who commits such murder shall be punished as a Class B2 felon."

SECTION 3. G.S. 14-288.8(c) reads as rewritten:

"(c) The term 'weapon of mass death and destruction' includes:

- (1) Any ~~explosive, incendiary, poison gas or radioactive material~~; explosive or incendiary:
 - a. Bomb; or
 - b. Grenade; or
 - c. Rocket having a propellant charge of more than four ounces; or
 - d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or
 - e. Mine; or
 - f. Device similar to any of the devices described above; or
- (2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or
- (3) Any firearm capable of fully automatic fire, any shotgun with a barrel or barrels of less than 18 inches in length or an overall length of less than 26 inches, any rifle with a barrel or barrels of less than 16 inches in length or an overall length of less than 26 inches, any muffler or silencer for any firearm, whether or not such firearm is included within this definition. For the purposes of this section, rifle is defined as a weapon designed or redesigned, made or remade, and intended to be fired from the ~~shoulder~~; shoulder; or
- (4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be ~~assembled~~; assembled.
- (5) ~~Radioactive material, which means any solid, liquid or gas which emits or may emit ionizing radiation spontaneously or which becomes capable of producing radiation or nuclear particles when controls or triggering mechanisms of any associated device are operable.~~

The term 'weapon of mass death and destruction' does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with Chapter 44 of Title 18 of the United States Code."

SECTION 4. G.S. 143-34.1(a1) as enacted by S.L. 2001-424, Section 32.19A.(a) reads as rewritten:

"(a1) A department, institution, or other agency of State government may establish new receipt-supported positions only after prior consultation with the Joint Legislative
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Commission on Governmental Operations. This subsection shall not apply to work-order funded positions in the Department of Transportation that are created for the purpose of highway ~~construction or construction~~, to positions at The University of North Carolina or its constituent ~~institutions-institutions~~, or to positions established by the Governor to expand the State's capabilities in dealing with the threat of terrorism in the event of an emergency or other exigent circumstances."

SECTION 5. This act is effective when it becomes law and applies to offenses committed on or after that date. Prosecutions for offenses occurring before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar, for adoption.

CALENDAR *(continued)*

S.B. 1054 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REFORM THE METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES AND TO ESTABLISH A FAIR ELECTIONS FUND THAT PROVIDES CANDIDATES FOR THESE OFFICES WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS, temporarily displaced earlier, upon third reading.

Senator Webster offers Amendment No. 1 which fails of adoption (16-26).

Senator Horton offers Amendment No. 2 which fails of adoption (14-28).

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 27, noes 16, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Clodfelter, Cunningham, Dannelly, Garrou, Gullely, Hagan, Harris, Kinnaird, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Swindell, Thomas, Weinstein and Wellons—27.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Forrester, Foxx, Garwood, Hartsell, Horton, Hoyle, Kerr, Moore, Rucho, Shaw of Guilford and Webster—16.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives by special message.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 748, AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY.

H.B. 1472, AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A BIOLOGICAL AGENTS REGISTRY, AND IMPOSING CIVIL PENALTIES FOR VIOLATION OF REGISTRY REQUIREMENTS.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING A NONCONTIGUOUS ANNEXATION TO THE TOWN OF MIDLAND IN CABARRUS COUNTY AND VALIDATING ACTIONS OF THE TOWN OF LINDEN IN CUMBERLAND COUNTY, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, November 27.

H.B. 1019 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, AND TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, with a favorable report.

Upon motion of Senator Rand, the Senate Committee Substitute bill No. 3 is placed on the Calendar for Tuesday, November 27.

H.B. 748 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 4644, which changes the title to read **H.B. 748** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES, TO TEMPORARILY MODIFY THE TAXATION OF HMOs AND MEDICAL SERVICE CORPORATIONS, AND TO CLARIFY THE SALES TAX EXEMPTION FOR PREPARED FOOD, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, November 27.

H.B. 865 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWN OF HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, AND TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 6777, which changes the title to read **H.B. 865** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN
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DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWNS OF ATLANTIC BEACH, EMERALD ISLE, AND HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, AND TO PROVIDE ADDITIONAL PROCEDURES FOR STREET AND SIDEWALK ASSESSMENTS IN THE TOWN OF OCEAN ISLE BEACH, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, November 27.

CALENDAR *(continued)*

H.B. 1468 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER, Conference Report, for adoption placed earlier on today's Calendar.

The Chair grants a leave of absence for the remainder of today's session to Senator Kinnaird.

Upon motion of Senator Rand, the Senate adopts the Conference Report (40-1).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

Upon motion of Senator Basnight, seconded by Senator Wellons, the Senate adjourns at 2:26 P.M. subject to ratification of bills and receipt of committee reports, to meet Friday, November 23, at 10:00 A.M.

ONE HUNDRED SIXTY-FIFTH DAY

Senate Chamber
Friday, November 23, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Senate Principal Clerk, who presides in the absence of the Lieutenant Governor.

Prayer is offered by E. Wayne White, Staff Member in the Senate Principal Clerk's Office, as follows:

"Dear God, thank you for a wonderful Thanksgiving and the opportunity to have

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another day to help one another. In the words of Ralph Waldo Emerson, "To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and to endure the betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a bit better, whether by a healthy child, a garden path or a redeemed social condition; to know even one life has breathed easier because you have lived. This is to have succeeded."

*Ralph Waldo Emerson

Senator Lucas announces that the Journal of Tuesday, November 20, has been examined and is found to be correct. Upon her motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Upon motion of Senator Harris, seconded by Senator Miller, the Senate adjourns at 10:03 A.M. to meet Monday, November 26 at 7:00 P.M.

ONE HUNDRED SIXTY-SIXTH DAY

Senate Chamber
Monday, November 26, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, why is waiting so hard, waiting for something to begin or end? In the wilderness, the Israelites had to do a lot of waiting around while Moses went up and down the mountain for his mysterious sessions with you. Finally, after not hearing from Moses, out of frustration, the Israelites made their own god to worship, then had to face the consequences.

"As the Senators return this week there will be a certain amount of waiting necessitated by ongoing negotiations. As they wait, keep them from jumping ahead of your will. Instead grant them calmness in their actions and faithfulness in their commitments. Amen."

The Chair grants leaves of absence for today to Senator Albertson, Senator Allran, Senator Ballantine, Senator Berger, Senator Bingham, Senator Carpenter, Senator Carrington, Senator Carter, Senator Cunningham, Senator Dalton, Senator Dannelly, Senator Forrester, Senator Foxx, Senator Garwood, Senator Harris, Senator Hartsell, Senator Jordan, Senator Kerr, Senator Kinnaird, Senator Lucas, Senator Martin of Guilford, Senator Martin of Pitt, Senator Moore, Senator Rand, Senator Reeves, Senator Rucho, Senator Shaw of Cumberland, Senator Shaw of Guilford, Senator Soles, Senator Swindell, Senator Thomas, Senator Warren and Senator Webster.

Senator Lee announces that the Journal of Friday, November 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

November 26, 2001

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 178, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 898, AN ACT TO ENACT THE STATE EMPLOYEE FEDERAL REMEDY RESTORATION ACT.

(Became law upon approval of the Governor, November 19, 2001—S.L. 2001-467.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
November 20, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Wright and Hackney have been added as conferees to Senate Committee Substitute for HB 1388, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX CREDITS.

Respectfully,
S/ Denise Weeks
Principal Clerk

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 907 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION, ordered held in the Office of the Principal Clerk on November 19.

Upon motion of Senator Basnight, the House Committee Substitute bill No. 2 is withdrawn from the Clerk's office and placed on the Calendar for tomorrow, Tuesday, November 27.

Upon motion of Senator Ballance, seconded by Senator Weinstein, the Senate adjourns

November 26, 2001

at 7:26 P.M. to meet tomorrow, Tuesday, November 27, at 12:00 Noon.

ONE HUNDRED SIXTY-SEVENTH DAY

Senate Chamber
Tuesday, November 27, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"In the Book of Jeremiah we find this promise, 'I know the plans I have for you, says the Lord. They are plans for good, to give you a future and a hope.' In the Senate today we are grateful for such words of encouragement and for the reminder. The greater the obstacles we face with you, O God, the more joy in overcoming them. We can do all things, all things through you who strengthens us. In gratitude we pray, Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Jordan, Senator Kerr, Senator Martin of Pitt, Senator Rucho and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, November 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 883, AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
November 26, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on HB 1468 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL
November 27, 2001

WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER. It is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise G. Weeks
Principal Clerk

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING A NONCONTIGUOUS ANNEXATION TO THE TOWN OF MIDLAND IN CABARRUS COUNTY AND VALIDATING ACTIONS OF THE TOWN OF LINDEN IN CUMBERLAND COUNTY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Berger, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Thomas, Warren and Weinstein—40.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, November 28, upon third reading.

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES, upon second reading.

With unanimous consent, upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, November 28, upon second reading.

H.B. 865 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWNS OF ATLANTIC BEACH, EMERALD ISLE, AND HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, AND TO PROVIDE ADDITIONAL PROCEDURES FOR STREET AND SIDEWALK ASSESSMENTS IN THE TOWN OF OCEAN ISLE BEACH, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Berger, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—41.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, November 28, upon third reading.

Upon the appearance of Senator Kerr in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 748 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES, TO TEMPORARILY MODIFY THE TAXATION OF HMOs AND MEDICAL SERVICE CORPORATIONS, AND TO CLARIFY THE SALES TAX EXEMPTION FOR PREPARED FOOD, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—41.

Voting in the negative: Senators Berger, Cunningham, Foxx and Shaw of Guilford—4.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, November 28, upon third reading.

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, November 28, upon second reading.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1268, A BILL TO BE ENTITLED AN ACT TO REENACT THE LAW GOVERNING PERMITS FOR URBAN WATERFRONT DEVELOPMENT IN HISTORICALLY URBAN AREAS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3960, which changes the title to read **H.B. 1268** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN EXEMPTIONS TO THE THIRTY-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS AND TO PROVIDE THAT FUNDS NECESSARY TO PAY PLANNING GRANTS MADE UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974 MAY BE CARRIED FORWARD TO THE NEXT FISCAL YEAR, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1468, AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER.

CALENDAR *(continued)*

H.B. 1019 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, AND TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, upon second reading.

Senator Clodfelter offers Amendment No. 1 which is adopted (45-0) and changes the title to read **H.B. 1019** (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, AND TO REQUIRE THAT ENVIRONMENTAL HEALTH SPECIALIST BE COVERED UNDER THE STATE'S EXCESS LIABILITY INSURANCE POLICY.

The Senate Committee Substitute bill No. 3, as amended, passes its second reading, by

roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—45.

Voting in the negative: None.

The Senate Committee Substitute bill No. 3, as amended, remains on the Calendar for tomorrow, Wednesday, November 28, upon third reading.

S.B. 907 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (45-0) and the measure is ordered enrolled and sent to the Governor.

Senator Basnight, President Pro Tempore, extends privileges of the floor to former Senator Charles Hipps from Haywood County.

The Senate recesses at 12:47 P.M. to reconvene at 6:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, *President Pro Tempore*.

The Chair grants leaves of absence for the remainder of today's session to Senator Albertson, Senator Carrington, Senator Forrester, and Senator Shaw of Cumberland.

Upon the appearance of Senator Bingham, Senator Rucho, and Senator Webster in the Chamber, the Chair acknowledges their presence and the leaves of absence granted previously are withdrawn.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 883, AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

(Became law upon ratification, November 27, 2001—S.L. 2001-468)

RECONSIDERATION

H.B. 748 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES, TO TEMPORARILY MODIFY THE TAXATION OF HMOs AND MEDICAL SERVICE CORPORATIONS, November 27, 2001

AND TO CLARIFY THE SALES TAX EXEMPTION FOR PREPARED FOOD.

Having voted with the majority, Senator Hoyle offers a motion that the vote by which the Senate Committee Substitute bill passed its second reading earlier today be reconsidered, which motion prevails.

Senator Kerr offers Amendment No. 1 which is adopted (42-0).

Amendment No. 1 is ruled to be material and constitutes first reading.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Wednesday, November 28, upon second reading.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 338 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7693, which changes the title to read **H.B. 338** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, is adopted and engrossed.

Upon motion of Senator Clodfelter, the bill is re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Pensions & Retirement and Aging Committee**.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 110 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND BLUE RIDGE PARKWAY FOUNDATION, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 110, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND BLUE RIDGE PARKWAY FOUNDATION, Senate Finance Committee Substitute Adopted 9/17/01, Fourth Edition Engrossed 9/19/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute Adopted 9/17/01, Fourth Edition Engrossed 9/19/01, and the House concurs in the Senate Committee Substitute, Fourth Edition Engrossed as amended:

On page 1, line 12, by rewriting the line to read:
"SAVE THE SEA TURTLES.";

And on page 2, line 29, by adding the following immediately after that line to read:

"(36c) Save the Sea Turtles. -- Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate may bear the phrase "Save the Sea Turtles" and a representation related to sea turtles.
...";

And on page 3, lines 40 and 41, by inserting the following between those lines to read:
"The V Foundation for Cancer Research Division \$25.00";

And on page 4, lines 5 and 6, by inserting the following between those lines to read:
"Save the Sea Turtles \$20.00";

And on page 4, line 11, by deleting that line;

And on page 5, lines 38 and 39, by inserting the following between those lines to read:
"Save the Sea Turtles \$10 \$10 0";

And on page 6, line 42 through page 7, line 31, by deleting those lines;

And on page 8, line 7, by removing the quotation marks and adding the following new subsection immediately thereafter:

"(b20) Save the Sea Turtles. -- The Division must receive 300 or more applications for a Save the Sea Turtles plate before the plate may be developed. The Division must transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Save the Sea Turtles plates to The Karen Beasley Sea Turtle Rescue and Rehabilitation Center.";

And on page 8, line 10, by deleting "(b20)" and substituting "(b21)";

And on page 8, line 16, by deleting "(b21)" and substituting "(b22)";

And on page 8, line 21 through page 9, line 5, by rewriting those lines to read:

"**SECTION 7.** G.S. 20-37.20 reads as rewritten:

' **20-37.20. Notification of traffic convictions.**

(a) Out-of-state Resident. -- Within 10 days after receiving a report of the conviction of any nonresident holder of a commercial driver license for any violation of State law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial vehicle, the Division shall notify the driver licensing authority in a licensing state of the conviction.

(b) Foreign Diplomat. -- The Division must notify the United States Department of State within 15 days after it receives one of or more of the following reports for a holder of a driver's license issued by the United States Department of State:

- (1) A report of a conviction for a violation of State law or local ordinance relating to motor vehicle traffic control, other than parking violations.
- (2) A report of a civil revocation order.";

And on page 9, line 6, by deleting "January 1, 2002." and substituting "at the earliest practical date, but no later than January 1, 2003."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 27, 2001.

Conferees for the Senate

S/ David W. Hoyle, Chair
Charlie W. Albertson
S/ Patrick J. Ballantine
S/ John H. Kerr, III
Larry Shaw

Conferees for the House of Representatives

S/ E. Nelson Cole
R. Phillip Haire
S/ James W. Crawford, Jr.
S/ W. B. Teague, Jr.

The Conference Report is placed on the Calendar for tomorrow, Wednesday, November 28, for adoption.

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 721 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE, ordered held in the Office of the Principal Clerk on November 5.

Upon motion of Senator Rand, the House Committee Substitute bill No. 2 is withdrawn from the Clerk's office and placed on the Calendar for tomorrow, Wednesday, November 28, for concurrence.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill on November 19, Senator Rand offers a motion that the Senate appoint conferees, which motion prevails. Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Rand, Chairman; and Senator Carrington; Senator Metcalf; Senator Plyler; and Senator Shaw of Cumberland as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Ballance, the remarks of Senator Wellons who rises to a point of personal privilege, are spread upon the Journal, as follows:

Senator Wellons:

"Last week Johnston County and the Eleventh Judicial District lost a great judge, Judge Robert Anderson, who had only been on the bench for two years but he made a big difference in a lot of lives in the Eleventh District. I think he set an example of how a judge should have judicial temperament. We had a memorial service for him; there were many good things said, but the consensus was that he was a judge of the people and for the people. Judge Anderson will be remembered as the first African-American judge we had in the Eleventh District and I hope that trend will not stop with him. He was a friend to everybody in that District and made everybody feel that when they came to court they would be treated fairly and they were treated fairly, and we're going to miss him. I just wanted to take that moment. Thank you."

Senator Ballance:

"I second the comments on Judge Anderson. He was a fine gentleman."

Upon motion of Senator Ballance, seconded by Senator Ballantine, the Senate adjourns at 6:33 P.M., subject to receipt of committee reports, to meet tomorrow, Wednesday, November 28, at 11:30 A.M.

ONE HUNDRED SIXTY-EIGHTH DAY

Senate Chamber
Wednesday, November 28, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, in the beliefs we hold as non-negotiable and the way we live out those beliefs, remind us that 'No ethic is worthy that does not require potential sacrifice. We wish that there were some means of holding convictions without requiring some to make sacrifices. But you are a real God who makes real demands upon us. You are about serious business.' Any ethic worth having invokes sacrifice. Amen."

*Quote From Dr. Stanley Hauerwas in Resident Aliens

The Chair grants leaves of absence for today to Senator Forrester, Senator Gulley, Senator Jordan, Senator Martin of Pitt and Senator Rucho.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, November 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 907, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 1, No. 3, No. 4, No. 5, No. 6, No. 7, and No. 8 are adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Pensions & Retirement and Aging Committee**.

H.B. 72, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6778, which changes the title to read **H.B. 72** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE, AND TO CAP THE HIGHWAY USE TAX ON CERTAIN RECREATIONAL VEHICLES AT \$1,500 PER VEHICLE, is adopted and engrossed.

By Senator Miller for the **Redistricting Committee**:

H.B. 1477 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS, with a favorable report.

Upon motion of Senator Miller, Rule 67 is suspended to allow Tina Kirby, Court Reporter, onto the Senate floor.

Upon motion of Senator Miller, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 990 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, November 29, for concurrence.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1477 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (34-13) and third readings and is ordered enrolled.

CONFERENCE REPORT

Senator Soles, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 948 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO CLARIFY HOW DISTANCES BETWEEN ABC ESTABLISHMENTS AND CHURCHES AND SCHOOLS ARE MEASURED, TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 948, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO CLARIFY HOW DISTANCES BETWEEN ABC ESTABLISHMENTS AND CHURCHES AND SCHOOLS ARE MEASURED, TO AUTHORIZE THE

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SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS, Senate Commerce Committee Substitute Adopted 10/2/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Commerce Committee Substitute Adopted 10/2/01, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 3 and 4,
by rewriting the lines to read:
""SPECIAL ABC AREA", TO"; and

on page 1, lines 22 and 23,
by rewriting the lines to read:
"malt beverages is permitted countywide or in ~~at least two cities;~~ one city; and

on page 2, line 38 through page 3, line 15,
by rewriting the lines to read:
"**SECTION 2.** Section 1 of this act does not apply in Graham, Stokes and Swain Counties.".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 28, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ R.C. Soles, Chair
Dan Robinson

S/ Bill Culpepper, Chair
S/ Ronnie L. Smith

S/ Hamilton C. Horton, Jr.
Scott E. Thomas
S/ Eric M. Reeves

S/ Lyons Gray

Upon motion of Senator Soles, the rules are suspended and the Conference Report is placed on today's Calendar.

CONFERENCE REPORT

Senator Hartsell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1427 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1427, A BILL TO BE ENTITLED AN ACT TO

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AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION, Senate Finance Committee Substitute Adopted 10/4/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 10/4/01, and the House concurs in the Senate Committee Substitute as amended:

On page 1, lines 5 through 13, by deleting those lines; and
by renumbering the remaining sections accordingly.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 28, 2001.

Conferees for the Senate

S/ Fletcher L. Hartsell, Jr., Chair
S/ Daniel G. Clodfelter
S/ John H. Kerr III

Conferees for the House of Representatives

S/ Dewey L. Hill, Chair
S/ Rex L. Baker
Larry M. Bell
Lorene T. Coates
S/ Joe L. Kiser

Upon motion of Senator Hartsell, the rules are suspended and the Conference Report is placed on today's Calendar.

CONFERENCE REPORT

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 253 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS, AND TO PROVIDE THAT THE GENERAL LAW ON SUBDIVISION REGULATION SHALL APPLY IN PENDER COUNTY, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 253, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS, AND TO PROVIDE THAT THE GENERAL LAW ON November 28, 2001

SUBDIVISION REGULATION SHALL APPLY IN PENDER COUNTY, Senate Finance Committee Substitute Adopted 10/3/01, Fourth Edition Engrossed 10/17/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute Adopted 10/3/01, Fourth Edition Engrossed 10/17/01:

On page 1, lines 6-9, by rewriting those lines to read:

"PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS.";

And on page 4, line 4, by deleting Section 3.1.;

And on page 4, lines 8-11, by rewriting those lines to read:

"of intent, deeds, deeds of trust, and other instruments recorded after that date. The remainder of this act is effective when it becomes law."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 27, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Charles W. Albertson, Chair

S/ Nurham Warwick, Chair

S/ Fletcher Hartsell, Jr.

Harold Brubaker

S/ John Kerr III

S/ Edd Nye

S/ Thomas E. Wright

Upon motion of Senator Albertson, the rules are suspended and the Conference Report is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING A NONCONTIGUOUS ANNEXATION TO THE TOWN OF MIDLAND IN CABARRUS COUNTY AND VALIDATING ACTIONS OF THE TOWN OF LINDEN IN CUMBERLAND COUNTY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Guley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 865 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWNS OF

ATLANTIC BEACH, EMERALD ISLE, AND HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, AND TO PROVIDE ADDITIONAL PROCEDURES FOR STREET AND SIDEWALK ASSESSMENTS IN THE TOWN OF OCEAN ISLE BEACH, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES.

With unanimous consent, upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, December 3, upon second reading.

H.B. 1019 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, AND TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, upon third reading, as amended upon second reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: Senator Horton—1.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent by special message to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 3.

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST

UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, December 4.

H.B. 748 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES, TO TEMPORARILY MODIFY THE TAXATION OF HMOs AND MEDICAL SERVICE CORPORATIONS, AND TO CLARIFY THE SALES TAX EXEMPTION FOR PREPARED FOOD, upon second reading, as amended by a material amendment on November 27.

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: Senator Clodfelter—1.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Thursday, November 29, upon third reading.

H.B. 1268 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN EXEMPTIONS TO THE THIRTY-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS AND TO PROVIDE THAT FUNDS NECESSARY TO PAY PLANNING GRANTS MADE UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974 MAY BE CARRIED FORWARD TO THE NEXT FISCAL YEAR.

The Senate Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

S.B. 721 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE, for concurrence, upon second reading.

The Senate fails to concur in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 0, noes 47, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell,

Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Senator Purcell offers a motion that the Senate appoint conferees, which motion prevails.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 110 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND SAVE THE SEA TURTLES, Conference Report, for adoption.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (47-0). The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 253 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS, Conference Report, for adoption, placed earlier on today's Calendar.

Upon motion of Senator Albertson, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 948 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS, Conference Report, for adoption, placed earlier on today's Calendar.

Upon motion of Senator Soles, the Senate adopts the Conference Report (41-6).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 1427 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION, Conference Report, for adoption, placed earlier on today's Calendar.

Upon motion of Senator Hartsell, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 250, AN ACT MAKING A NONCONTIGUOUS ANNEXATION TO THE TOWN OF MIDLAND IN CABARRUS COUNTY AND VALIDATING ACTIONS OF THE TOWN OF LINDEN IN CUMBERLAND COUNTY.

H.B. 1477, AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS.

WITHDRAWAL FROM CALENDAR

S.B. 990 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL.

Senator Rand offers a motion that the House Committee Substitute bill No. 2 be withdrawn from the Calendar for Thursday, November 29, and placed on today's Calendar for immediate consideration, which motion prevails with unanimous consent.

The Senate fails to concur in the House Committee Substitute bill No. 2 (0-44).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 721 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 earlier today, and the motion by Senator Purcell to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Purcell, Chairman, and Senator Forrester and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills to meet tomorrow, Thursday, November 29, at 9:00 A.M.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

H.B. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 9, 10, 11, and 12 are adopted and engrossed.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 912 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 912, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS, House Committee Substitute, Fourth Edition Engrossed 6/7/01, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute, Fourth Edition Engrossed 6/7/01, and the Senate concurs in the House Committee Substitute as amended:

on page 1, line 25, by deleting "December 1, 2001," and substituting "January 1, 2002,".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 28, 2001.

Conferees for the Senate

S/ Anthony E. Rand, Chair
S/ Patrick J. Ballantine
S/ Daniel G. Clodfelter
S/ R. C. Soles, Jr.

Conferees for the House of Representatives

S/ Philip A. Baddour, Jr., Chair
S/ Bill Culpepper
S/ Art Pope
S/ Jennifer Weiss

The Conference Report is placed on the Calendar for tomorrow, Thursday, November 29, for adoption.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1195 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR AND BY PRESCRIBING A METHOD FOR MAKING ABSENTEE BALLOT REQUESTS, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1195, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR AND BY PRESCRIBING A METHOD FOR MAKING ABSENTEE BALLOT REQUESTS, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY, Senate Judiciary I Committee Substitute Adopted 10/2/01, Corrected Copy 10/3/01, submit the following report:

The Senate and House agree to the following amendments to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 10/2/01, Corrected Copy 10/3/01, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 4 and 5 by rewriting those lines to read:
"ENTIRE CALENDAR YEAR, AND TO REALIGN THE";

and by deleting Section 2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 28, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Daniel G. Clodfelter
S/ Allen Wellons
S/ Cal Cunningham
S/ Frank W. Ballance, Jr.

S/ Daniel T. Blue, Jr.
S/ Wayne Goodwin
S/ Joe L. Kiser
S/ H. M. Michaux, Jr.
S/ Martin Nesbitt

The Conference Report is placed on the Calendar for tomorrow, Thursday, November 29, for adoption.

November 28, 2001

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
November 28, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in House Committee Substitute to SB 348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, and requests conferees.

The Speaker appoints:

Representative Hurley,
Representative Lucas,
Representative Warner,
Representative McAllister, and
Representative Morris

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:22 P.M.

ONE HUNDRED SIXTY-NINTH DAY

Senate Chamber
Thursday, November 29, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, you bless each of us uniquely with gifts to be used in service to others. Thank you. But we are all granted two of the same gifts -- imagination to compensate us for what we are not and a sense of humor in order to console us for what we are. We accept those gifts gladly today. May we use them to your glory. Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Forrester, November 29, 2001

Senator Gulley, Senator Jordan, Senator Martin of Pitt, Senator Rand, Senator Soles, Senator Thomas, Senator Warren and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, November 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1389, AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE FOR RETIRED MAGISTRATES AND FOR RECIPIENTS OF THE COMBAT INFANTRY BADGE.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1472, AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A BIOLOGICAL AGENTS REGISTRY, AND IMPOSING CIVIL PENALTIES FOR VIOLATION OF REGISTRY REQUIREMENTS. (Became law upon approval of the Governor, November 28, 2001–S.L. 2001-469.)

H.B. 1468, AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE KNOWING MANUFACTURE, ASSEMBLY, POSSESSION, STORAGE, TRANSPORTATION, SALE, PURCHASE, DELIVERY, OR ACQUISITION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE FALSE REPORTING OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, TO PROVIDE CRIMINAL PENALTIES FOR THE PERPETRATION OF A HOAX BY THE USE OF A FALSE NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON OF MASS DESTRUCTION, AND TO PROVIDE THAT MURDER BY MEANS OF A NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPON IS FIRST DEGREE MURDER. (Became law upon approval of the Governor, November 28, 2001–S.L. 2001-470.)

H.B. 1477, AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS. (Became law upon ratification, November 28, 2001–S.L. 2001-471.)

H.B. 250, AN ACT MAKING A NONCONTIGUOUS ANNEXATION TO THE TOWN OF MIDLAND IN CABARRUS COUNTY AND VALIDATING ACTIONS OF THE TOWN OF LINDEN IN CUMBERLAND COUNTY. (Became law upon ratification, November 28, 2001–S.L. 2001-472.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
November 28, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 721** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE, and requests conferees.

The Speaker appoints:

Representative Wright,
Representative Edwards, and
Representative Sherrill

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, December 4.

H.B. 748 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES, TO TEMPORARILY MODIFY THE TAXATION OF HMOs AND MEDICAL SERVICE CORPORATIONS, AND TO CLARIFY THE SALES TAX EXEMPTION FOR PREPARED FOOD, upon third reading, as amended on second reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 35, noes 2, as follows:

November 29, 2001

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carter, Dalton, Dannelly, Foxx, Garrou, Garwood, Hagan, Harris, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Swindell, Webster and Wellons—35.

Voting in the negative: Senators Clodfelter and Hartsell—2.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 72 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE, AND TO CAP THE HIGHWAY USE TAX ON CERTAIN RECREATIONAL VEHICLES AT \$1,500 PER VEHICLE.

The Senate Committee Substitute bill passes its second (37-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 912 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS, Conference Report, for adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (37-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 1195 (Conference Report), A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR AND BY PRESCRIBING A METHOD FOR MAKING ABSENTEE BALLOT REQUESTS, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY, Conference Report, for adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (37-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

RECONSIDERATION

H.B. 948 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO CLARIFY HOW DISTANCES BETWEEN ABC ESTABLISHMENTS AND CHURCHES AND SCHOOLS ARE MEASURED, TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS.

Having voted with the majority, Senator Reeves offers a motion that the vote by which the Conference Report was adopted yesterday, November 28, be reconsidered, which motion prevails (36-1). The question before the Body becomes the adoption of the Conference Report. Without objection, Senator Reeves withdraws the Conference Report and submits Conference Report No. 2. Upon motion of Senator Reeves, the rules are suspended and

Conference Report No. 2 is placed on the Calendar for immediate consideration. Upon further motion of Senator Reeves, Conference Report No. 2 is adopted (25-11).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns subject to receipt of committee reports, conference reports and messages from the House of Representatives, to meet Monday, December 3, at 7:00 P.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
November 29, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on House Committee Substitute for SB 912, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS, it is ordered that a message be sent your Honorable Body with the information the House has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 912 earlier today, the Chair orders the bill enrolled and sent to the Governor.

House of Representatives
November 29, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on Senate Committee Substitute for H.B. 253, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

November 29, 2001

House of Representatives
November 29, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on Senate Committee Substitute for HB 110, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND SAVE THE SEA TURTLES, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
November 29, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on Senate Committee Substitute # 2 for HB 1427, A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

CONFERENCE REPORT

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1388 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1388, A BILL TO BE ENTITLED AN ACT TO

November 29, 2001

EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, Senate Finance Committee Substitute Adopted 9/19/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 9/19/01, and the House concurs in the Senate Committee Substitute as amended:

on page 1, line 9, and on page 1, line 16, delete the phrase "2006" each place it appears and substitute the phrase "2003".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 29, 2001.

Conferees for the Senate

S/ John H. Kerr, III, Chair
S/ Aaron W. Plyler
S/ Scott Thomas
Luther H. Jordan, Jr.
S/ R. C. Soles, Jr.
S/ Patrick J. Ballantine

Conferees for the House of Representatives

S/ John W. Hurley
Daniel F. McComas
S/ Dewey L. Hill
S/ Paul Luebke
S/ Ronald L. Smith
S/ Andrew Dedmon
Jean R. Preston
S/ Leslie Cox
S/ Pryor Gibson
Thomas Wright
S/ Joe Hackney

The Conference Report is placed on the Calendar for Monday, December 3, for adoption.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1061 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE PROCESS BY WHICH THE COST OF PROVIDING WATER AND SEWER SERVICE MAY BE ALLOCATED TO A DWELLING UNIT, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1061, A BILL TO BE ENTITLED AN ACT TO SPECIFY THE PROCESS BY WHICH THE COST OF PROVIDING WATER AND SEWER SERVICE MAY BE ALLOCATED TO A DWELLING UNIT, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 10/3/01, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 10/3/01:

November 29, 2001

Delete the entire Senate Agriculture/Environment/Natural Resources Committee Substitute and substitute the attached Proposed Conference Committee Substitute H1061-PCCS9380-SB-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: 28 November 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Daniel G. Clodfelter, Chair

S/ Pryor A. Gibson, III, Chair

S/ Charles W. Albertson

S/ Daniel F. McComas

S/ John A. Garwood

S/ Nurham O. Warwick

The text of the attached Proposed Conference Committee Substitute H1061-PCCS9380-SB-3 is as follows:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PROCEDURE UNDER WHICH A LESSOR, IN ORDER TO ENCOURAGE WATER CONSERVATION, MAY ALLOCATE THE COST OF PROVIDING WATER AND SEWER SERVICE AS RENT ON A METERED USE BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62-110(g) reads as rewritten:

"(g) ~~In addition to the authority to issue a certificate of public convenience and necessity and establish rates otherwise granted in this Chapter, the Commission shall be authorized. For the purpose of encouraging water conservation, the Commission may, consistent with the public interest, to adopt procedures for the purpose of allowing resale of water and sewer service provided that allow a lessor, pursuant to a written rental agreement, to allocate the costs for providing water and sewer service on a metered use basis to persons who occupy the same contiguous premises (as such term shall be defined by the Commission) premises. A written rental agreement shall specify a monthly rent that shall be the sum of the base rent plus additional rent at a rate or charge which that does not exceed the actual purchase price of such the water and sewer service to the provider plus a reasonable administrative fee. The Commission shall issue rules to define contiguous premises and to implement the services authorized by this subsection and, this subsection, notwithstanding. Notwithstanding any other provision of this Chapter, the Commission shall determine the extent to which such the services shall be regulated and, to the extent necessary to protect the public interest, regulate the terms, conditions, and rates charged that may be allocated for such the services. Nothing in this subsection shall be construed to alter the rights, obligations, or remedies of persons providing such water and sewer services and their customers under any other provision of law."~~

SECTION 2. G.S. 42-3 reads as rewritten:

"§ 42-3. **Term forfeited for nonpayment of rent.**

In all verbal or written leases of real property of any kind in which is fixed a definite time for the payment of the rent reserved therein, there shall be implied a forfeiture of the term upon failure to pay the rent within 10 days after a demand is made by the lessor or his agent on said lessee for all past-due rent, and the lessor may forthwith enter and dispossess the tenant without having declared such forfeiture or reserved the right of reentry in the lease. Where a written lease establishes a monthly rent that includes water and sewer services under G.S. 62-110(g), the terms 'rent' and 'rental payment', as used in this Chapter, mean base rent only."

SECTION 3. G.S. 42-26 reads as rewritten:**"§ 42-26. Tenant holding over may be dispossessed in certain cases.**

(a) Any tenant or lessee of any house or land, and the assigns under the tenant or legal representatives of such tenant or lessee, who holds over and continues in the possession of the demised premises, or any part thereof, without the permission of the landlord, and after demand made for its surrender, may be removed from such premises in the manner hereinafter prescribed in any of the following cases:

- (1) When a tenant in possession of real estate holds over after his term has expired.
- (2) When the tenant or lessee, or other person under him, has done or omitted any act by which, according to the stipulations of the lease, his estate has ceased.
- (3) When any tenant or lessee of lands or tenements, who is in arrear for rent or has agreed to cultivate the demised premises and to pay a part of the crop to be made thereon as rent, or who has given to the lessor a lien on such crop as a security for the rent, deserts the demised premises, and leaves them unoccupied and uncultivated.

(b) An arrearage in additional rent owed by a tenant for water and sewer services pursuant to G.S. 62-110(g) shall not be used as a basis for termination of a lease. Any partial payment of monthly rent shall be applied first to the base rent."

SECTION 4. G.S. 42-46 is amended by adding a new subsection to read:

"(d) A lessor shall not charge a late fee to a lessee because of the lessee's failure to pay additional rent for water and sewer services provided pursuant to G.S. 62-110(g)."

SECTION 5. G.S. 42-51 reads as rewritten:

"§ 42-51. Permitted uses of the deposit.

Security deposits for residential dwelling units shall be permitted only for the tenant's possible nonpayment of ~~rent, base rent and additional rent for water and sewer services provided pursuant to G.S. 62-110(g)~~, damage to the premises, nonfulfillment of rental period, any unpaid bills which become a lien against the demised property due to the tenant's occupancy, costs of re-renting the premises after breach by the tenant, costs of removal and storage of tenant's property after a summary ejectment proceeding or court costs in connection with terminating a tenancy. ~~Such~~The security deposit shall not exceed an amount equal to two weeks' rent if a tenancy is week to week, one and one-half months' rent if a tenancy is month to month, and two months' rent for terms greater than month to month. These deposits must be fully accounted for by the landlord as set forth in G.S. 42-52."

SECTION 6. G.S. 130A-315(d) reads as rewritten:

"(d) When a person that receives water from a public water system is authorized by the Utilities Commission, pursuant to G.S. 62-110(g), to install sub-meters and ~~resell~~ water-allocate the costs for providing water service to persons who occupy the same contiguous premises, that person shall be regulated as a consecutive water system. The monitoring, analysis, and record-keeping requirements applicable to consecutive water systems under this section shall be satisfied by the monitoring, analysis, and record keeping performed by the supplying water system and submitted to the Department in compliance with this section. The supplying water system shall perform the same level of monitoring, analysis, and record keeping that the supplying system would perform if the person that receives the water had not been authorized to ~~resell water-allocate the costs for providing water service~~ under G.S. 62-110(g), but the supplying water system shall not be required to perform additional monitoring, analysis, and record keeping. A supplying water system is not responsible for operation, maintenance, or repair of the consecutive water system."

SECTION 7. This act is effective when it becomes law.

The Conference Report is placed on the Calendar for Monday, December 3, for adoption.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1284 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE FOR INTERVENTION FOR THE LIMITED PURPOSE OF ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND TO CREATE A NEW FEE FOR FILING A MOTION TO INTERVENE UNDER G.S. 1-72.1, with an unfavorable report as to Committee Substitute bill No. 3, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3961, which changes the title to read **H.B. 1284** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; AND TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:40 P.M.

ONE HUNDRED SEVENTIETH DAY

Senate Chamber
Monday, December 3, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"There has been the characteristic ebb and flow between community and lack of it during this legislative session, O God. At the start we were one, at times we became many, not just the many of diversity but sometimes even the many of division. But you have taught us that truth is one and that you are one. We pray that you would help us to be one because we know the transforming and uniting power of your great love. Amen."

The Chair grants leaves of absence for tonight to Senator Berger, Senator Garrou, Senator Garwood, Senator Harris, Senator Jordan, Senator Martin of Pitt, Senator Odom, Senator Rucho and Senator Webster.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of Thursday, November 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

WITHDRAWAL FROM COMMITTEE

H.B. 32 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PRESIDENTIAL ELECTORS WHO REFUSE OR FAIL TO VOTE FOR THE CANDIDATES OF THE PARTY WHICH NOMINATED THAT ELECTOR, referred to the **Judiciary I Committee** on May 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Redistricting Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Redistricting Committee**.

APPOINTMENT BY THE GOVERNOR

State of North Carolina
Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

November 7, 2001

The Honorable Beverly Perdue
Lieutenant Governor
2104 Legislative Building
Raleigh, NC 27601

Dear Lt. Governor Perdue:

Pursuant to General Statute § 135-6, I hereby appoint Chancellor Allen Meadors, Ms. Joyce Elliott, Mr. Norwood Clark and reappoint Mr. Michael Dupree to the North Carolina Teachers' and State Employees' Retirement System Board of Trustees and submit their names for confirmation to the North Carolina Senate. Their terms are effective immediately upon confirmation. The terms of Chancellor Meadors, Ms. Elliott and Mr. Clark will expire June 30, 2005. Mr. Dupree's term will expire March 31, 2005.

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my office of Boards and Commissions if you need additional information.

With kindest regards, I remain

Very truly yours,
S/ Mike Easley

Referred to **Pensions & Retirement and Aging Committee**.

December 3, 2001

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES.

The President *Pro Tempore* rules that the House Committee Substitute bill does not require a call of the roll upon concurrence.

The Senate concurs in the House Committee Substitute bill (38-0) and the House Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 1061 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE UNDER WHICH A LESSOR, IN ORDER TO ENCOURAGE WATER CONSERVATION, MAY ALLOCATE THE COST OF PROVIDING WATER AND SEWER SERVICE AS RENT ON A METERED USE BASIS, Conference Report, for adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (37-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

CONFERENCE REPORT

Senator Gulley, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 917, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, Senate Finance Committee Substitute Adopted 10/3/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 10/3/01, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute H917-PCCS9382-LBx-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 3, 2001.

Conferees for the Senate

S/ Wilb Gulley
S/ Jeanne Hopkins Lucas

Conferees for the House of Representatives

S/ Paul Luebke
S/ Paul Miller
S/ Henry M. Michaux, Jr.
S/ Mary Long Jarrell
S/ Martha Bedell Alexander
Daniel Francis McComas

The text of the attached Proposed Conference Committee Substitute H917-PCCS9382-LBx-2 is as follows:

A BILL TO BE ENTITLED

AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%.

The General Assembly of North Carolina enacts:

PART I. DURHAM CHARTER CLEANUP

SECTION 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is further amended by repealing the following sections:

Section 2.5, entitled "Use of property lines as annexation boundaries", as added by Chapter 342 of the 1993 Session Laws;

Section 13.1, entitled "Council to judge elections", as added by Chapter 852 of the 1979 Session Laws;

Section 23, entitled "Authority of city manager";

Section 24, entitled "Special police";

Section 28, entitled "Political campaign activity prohibited";

Section 29, entitled "Director of public safety";

Section 33, entitled "Protection of the public water supply";

Section 41, entitled "Fiscal year and annual estimate";

Section 42, entitled "Revenue";

Section 46, entitled "Authority to impose";

Section 48, entitled "License transfer";

Section 50, entitled "Investigation of city affairs";

Section 53, entitled "Opening under the streets; obstructions";

Section 58, entitled "Regulation of the use of public property";

Section 59, entitled "Suppression of nuisances";

Section 61, entitled "Sunday observance";

Section 62, entitled "Regulation of Amusements";

Section 64, entitled "Regulation of bondsmen";

Section 65, entitled "Protection of businesses from fraud";

Section 66, entitled "Licensing of plumbers and electricians";

Section 83, entitled "Public buildings";

Section 84, entitled "Public contracts";

Section 98, entitled "Dedication or reservation of recreation areas";

Section 99, entitled "Building inspections";

Section 103, entitled "Regulation of parks and squares";

Section 104, entitled "Public concerts";

Section 106, entitled "Appropriations for recreational, scientific and cultural

activities";

Section 107, entitled "Advertisement of the city";

Section 108, entitled "Encouraging location of industry";

Section 109, entitled "City ice plant";

Section 110, entitled "City rock quarry";

Section 113, entitled "Authority to waive governmental immunity"; and

Section 117, entitled "Penalty for failure to turn over city property".

SECTION 2. Section 7 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, reads as rewritten:

"Sec. 7. Oaths of Office. – The Mayor and each Council member, before entering upon the duties of the office to which they have been elected, shall take before some officer authorized to administer oaths an oath that they will fairly and impartially perform the duties of their office. ~~The Mayor and Council members shall hold their respective offices until their respective successors have been duly qualified.~~"

SECTION 3. Section 8 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Chapter 370 of the 1983 Session Laws and Chapter 169 of the 1985 Session Laws, reads as rewritten:

"Sec. 8. Powers of the City Council. – The City Council shall have full power and authority, except as otherwise provided for in this Charter, to exercise all of the powers conferred upon and delegated to the City of Durham by this Charter and by the laws of North Carolina. The City Council shall have power to make such ordinances, rules and regulations as it may deem necessary for the proper government of the City and to promote and safeguard the health, morals, safety and general welfare and convenience of the public. The City Council may provide for the proper enforcement of such ordinances, in such manner as it may think best, by fine, imprisonment or otherwise. The City Council may provide for the organization of the offices, departments and divisions of City government, not inconsistent with this Charter: By way of example and not limitation, the City Council, in performing the duties and responsibilities set forth in G.S. 160A-412, may assign all or part of the duties of an inspection department to an existing or newly created department, division or office of the City, may assign all or some of the personnel appointed pursuant to G.S. 160A-411 to an existing or newly created department, division or office of the City and may designate the job titles and duties of the personnel so assigned.

~~Pursuant to Article V, Section 2(7) of the Constitution of North Carolina, the City Council may contract with and appropriate money to any person, association, or corporation for the accomplishment of any public purpose."~~

SECTION 4. Section 30 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, reads as rewritten:

"Sec. 30. Authority to Operate Waterworks. ~~(1) The City Council is authorized to conduct and operate the municipally owned waterworks of the City for the purpose of supplying the purchasers of water of the system with a good and wholesome supply thereof. Persons employed by the City in connection with said system shall be appointed by the City Manager and shall be under his supervision and control.~~

(2) ~~For the purpose of properly operating and maintaining the system and for making additions and improvements thereto as may be necessary at all times to properly operate the system, the City Council shall have power to acquire by purchase or by condemnation additional property or rights within or without the City.~~

(3) The City Council, and all persons acting under their authority, shall have the right to use the ground or soil, in, or upon, or under any road, railroad, highway, lane or alley for the purpose of enlarging or improving or maintaining the plant or system of waterworks owned by

the City, upon the condition that they shall not permanently injure any such property, and that the same shall be restored to its original condition, or damages done thereto shall be repaired by the City Council.

SECTION 5. In order to recodify a local modification to G.S. 160A-314 applicable to the City of Durham as a part of the Charter, S.L. 1998-50 is repealed and the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, is amended by adding a new section to read:

"Sec. 38. Stationary container collection service.

(a) Where housing units qualify under city ordinances for roll-out cart solid waste collection service, and the housing units instead choose to be served by stationary containers in accordance with city ordinances, a city may provide stationary container collection service without charging fees for such service other than the fees applicable to roll-out cart service.

(b) Nothing in this section shall be construed to impair the authority of a city to charge customers who do not qualify for service under subsection (a) of this section the fees established by city ordinances for stationary container collection service."

PART II. DURHAM OCCUPANCY TAX LEVY

SECTION 6.(a) Durham Occupancy Tax. (a) Authorization and Scope. – The Durham County Board of Commissioners may levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 6.(b) Authorization of Additional Two Percent (2%) Tax. – In addition to the tax authorized by subsection (a) of this section, the Durham County Board of Commissioners may levy a room occupancy tax of two percent (2%) of the gross receipts derived from the rental of accommodations taxable under subsection (a) of this section. The levy, collection, administration, and repeal of the tax authorized by this act shall be in accordance with the provisions of this section. Durham County may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section.

SECTION 6.(c) Authorization of Additional One Percent (1%) Tax. – In addition to the tax authorized by subsections (a) and (b) of this section, the Durham County Board of Commissioners may levy a room occupancy tax of one percent (1%) of the gross receipts derived from the rental of accommodations taxable under subsections (a) and (b) of this section. The levy, collection, administration, and repeal of the tax authorized by this act shall be in accordance with the provisions of this section. Durham County may not levy a tax under this subsection unless it also levies the tax authorized under subsections (a) and (b) of this section.

SECTION 6.(d) G.S. 153A-155(a) and G.S. 153A-155(b) apply to Durham County.

SECTION 6.(e) Part III of this act is effective only if Durham County has, prior to February 1, 2002, levied all of the taxes authorized by subsection (a), subsection (b), and subsection (c) of this section.

SECTION 6.(f) The levy of a tax under subsection (a), subsection (b), or subsection (c) of this section applies only if all three such taxes are levied prior to February 1, 2002. Otherwise, the provisions of Chapter 969 of the 1985 Session Laws and Chapter 665 of the 1991 Session Laws (the current three percent (3%) and the current two percent (2%) occupancy taxes) are not affected by this act.

PART III. DURHAM OCCUPANCY TAX PROVISIONS

SECTION 7.(a) If a plan for financing a Performing Arts Theater has not been approved by the Durham City Council and has been disapproved by the Durham County Commissioners within 42 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, the county's authority to levy the one percent (1%) tax described under Section 6(c) of this act and the levy of the one percent (1%) tax described in this subsection are repealed on the first day of the second month following the 42-month period.

If construction on the Performing Arts Theater has not begun within 42 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, the county's authority to levy the one percent (1%) tax described in Section 6(c) of this act and the levy of the one percent (1%) tax described in Section 6(c) of this act are repealed on the first day of the second month following the 42-month period.

It is the goal of the General Assembly that a plan for financing the Performing Arts Theater shall be adopted within 12 months after the levy of the one percent (1%) tax authorized under Section 6(c) of this act, and construction of the Performing Arts Theater shall begin within 24 months of the levy of the one percent (1%) tax described in Section 6(c) of this act.

Any funds collected but not spent before the repeal date shall be redistributed to the Durham Tourism Development Authority to promote travel and tourism.

SECTION 7.(b) This section does not affect the rights or liabilities of the county, a taxpayer, or another person arising under a law amended or repealed by this section before the effective date of its amendment or repeal; nor does it affect the right to any refund or credit of a tax that accrued under the amended or repealed law before the effective date of its amendment or repeal.

SECTION 8. Administration. – A tax levied under Section 6 of this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under that section.

SECTION 9.(a) Distribution and Use of Tax Revenue. – Durham County shall distribute and use the net proceeds of the tax collected under this act as provided in this section. As used in this section, "net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, but not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year. For the purpose of calculating the threshold in the previous section, all three taxes levied under Section 6 of this act shall be considered together.

SECTION 9.(b) Use of Proceeds From First Three Percent (3%) Tax. – Durham County shall retain fifty-seven and one-half percent (57½%) of the net proceeds collected from the tax levied under Section 6(a) of this act and shall distribute the remaining forty-two and one-half percent (42½%) of the net proceeds collected from the tax levied under Section 6(a) of this act to the City of Durham. Funds retained by the county or distributed to the City of Durham pursuant to this subsection may be used for any purpose authorized by law.

SECTION 9.(c) Use of Proceeds From Additional Two Percent (2%) Tax. – Durham County shall, on a monthly basis, remit the net proceeds of the tax levied under Section 6(b) of this act to the Durham Tourism Development Authority created by Section 10 of this act.

The Authority may use the funds remitted to it under this subsection only to promote travel, tourism, and conventions in Durham County.

SECTION 9.(d) Use of Proceeds From Additional One Percent (1%) Tax During First 24 Months. – Durham County shall, on a monthly basis, remit the net proceeds of the occupancy tax levied under Section 6(c) of this act to the Durham Tourism

Development Authority created by Section 10 of this act. During the first 24 months that the tax is levied under Section 6(c) of this act, the Authority shall distribute and use these net proceeds in the following priority order:

- (1) To Durham County, up to the first two hundred thousand dollars (\$200,000) collected to fund the development of a Cultural Arts Master Plan.
- (2) The Authority shall use the next seven hundred thousand dollars (\$700,000) collected to promote travel, tourism, and conventions in Durham County.
- (3) To the City of Durham, the next two hundred forty-eight thousand dollars (\$248,000) collected. The city shall use these funds for the design and engineering costs associated with the construction of a Performing Arts Theater.
- (4) To Durham County, the next four hundred thousand dollars (\$400,000) collected for improvements to the Museum of Life and Science. This may include the financing of debt service.
- (5) To Durham County, the next five hundred thousand dollars (\$500,000) collected. These funds shall be credited into an Arts Reserve Fund and used to implement the Cultural Arts Master Plan developed under subdivision (1) of this subsection.
- (6) The Authority shall use any net proceeds collected in excess of two million forty-eight thousand dollars (\$2,048,000) to promote travel, tourism, and conventions in Durham County.

SECTION 9.(e) Use of Proceeds From Additional One Percent (1%) Tax After First 24 Months. – The net proceeds of the tax collected under Section 6(c) of this act after the first 24 months that the tax is levied shall be remitted monthly to the Durham Tourism Development Authority created by Section 10 of this act. The Authority shall use and distribute these net proceeds in the following priority order:

- (1) To the City of Durham, the first one million four hundred thousand dollars (\$1,400,000) collected annually to finance the debt service associated with the construction of the Performing Arts Theater. Until those funds are distributed to the City of Durham for that purpose, they shall be held by the Durham Tourism Development Authority in a capital reserve fund as provided by Part 2 of Article 3 of Chapter 159 of the General Statutes except they may be expended as provided by the last sentence of Section 7(a) of this act if the tax is repealed as provided by Section 7(a) of this act. Any interest earned by that fund shall be credited to the fund.
- (2) Thirty-two years after the levy of the tax authorized under Section 6(c) of this act, instead of the allocation under subdivision (1) of this subsection, the first one million four hundred thousand dollars (\$1,400,000) collected annually shall be used by the Authority to promote travel and tourism or for tourism related expenditures.
- (3) To Durham County, the next five hundred thousand dollars (\$500,000) collected annually to be used for improvements to the Museum of Life and Science. This may include the financing of debt service. Any of these funds that are not needed for this purpose shall be returned to the Authority and used to promote travel and tourism.
- (4) The Authority shall use any net proceeds in excess of that provided by subdivisions (1), (2), and (3) of this subsection to promote travel, tourism, and conventions in Durham County.

As used in this subsection, "annually" means the 12-month period beginning

after the first 24 months that the tax authorized under Section 6(c) of this act is levied.

SECTION 9.(f) Definitions. – For the purpose of this Part:

- (1) "Promote travel and tourism" means to advertise or market an area or activity, to publish and distribute pamphlets and other materials, to conduct market research, and to engage in similar promotional activities that attract tourists or business travelers to the area, and also includes administrative expenses incurred in engaging in these activities.
- (2) "Promote travel, tourism, and conventions" means to advertise or market an area or activity, to publish and distribute pamphlets and other materials, to conduct market research, and to engage in similar promotional activities that attract tourists, business travelers, or conventioners to the area, and also includes administrative expenses incurred in engaging in these activities.
- (3) "Tourism related expenditures" are those that, in the judgment of the Durham Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in the county by attracting tourists or business travelers to the county, and includes capital expenditures related to that purpose.

SECTION 10.(a) Establishment and Membership of Durham Tourism Development Authority. – There is created the Durham Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act.

SECTION 10.(b) From March 1, 2002, through June 30, 2004, the members of the board of directors of the Durham Convention and Visitors Bureau and the members of the advisory board of the Durham Convention and Visitors Bureau shall together be ex officio the board of directors of the Authority.

SECTION 10.(c) Beginning July 1, 2004, the membership of the Durham Tourism Development Authority shall be as specified in an interlocal cooperation agreement between Durham County and the City of Durham. The agreement shall provide for the number of members, terms of office, who shall appoint the membership, and such other provisions as may reasonably be necessary. The interlocal agreement must be entered into prior to May 1, 2002, but may thereafter be amended as provided by its terms.

At least three-fourths of the membership of the Durham Tourism Development Authority must be, at the time of appointment, active in the promotion of travel, tourism, or conventions in Durham County. One-third of the membership must be affiliated with organizations that collect the tax imposed by Section 6 of this act.

SECTION 10.(d) Duties. – The Authority shall expend the net proceeds of the taxes levied under Section 6 of this act only for the purposes provided in this act. The Authority shall promote travel, tourism, and conventions in the county.

SECTION 10.(e) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the county board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

SECTION 11. Section 3 of Chapter 969 of the 1985 Session Laws reads as rewritten:

"Sec. 3. This act applies only to the following counties: Graham, Clay, Jackson, ~~Durham~~, Macon, Polk, and Transylvania."

SECTION 12. Chapter 665 of the 1991 Session Laws is repealed.

SECTION 13. The purpose of Parts II and III of this act is to consolidate the acts relating to Durham County's authority to levy an occupancy tax and to authorize Durham County to levy an additional one percent (1%) occupancy tax. It is intended that those provisions of prior acts that are expressly consolidated into this act continue without

interruption so that all rights and liabilities that have accrued are preserved and may be enforced.

SECTION 14. G.S. 153A-155(g), as amended by S.L. 2001-162, S.L. 2001-305, S.L. 2001-321, S.L. 2001-381, S.L. 2001-434, S.L. 2001-439, and S.L. 2001-468, reads as rewritten:

"(g) This section applies only to Anson, Avery, Brunswick, Buncombe, Cabarrus, Carteret, Craven, Currituck, Dare, Davie, Durham, Granville, Madison, Montgomery, Nash, Pender, Person, Randolph, Richmond, Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, and to the Township of Averasboro in Harnett County."

PART IV. EFFECTIVE DATE

SECTION 15. Part II of this act is effective when it becomes law, except that any taxes levied under that Part become effective March 1, 2002. The remainder of this act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, Tuesday, December 4, for adoption, upon second reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 912, AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS.

H.B. 110, AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND SAVE THE SEA TURTLES.

H.B. 253, AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS.

H.B. 1268, AN ACT TO MODIFY CERTAIN EXEMPTIONS TO THE THIRTY-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS AND TO PROVIDE THAT FUNDS NECESSARY TO PAY PLANNING GRANTS MADE UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974 MAY BE CARRIED FORWARD TO THE NEXT FISCAL YEAR.

H.B. 1427, AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND
December 3, 2001

TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 774, AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES. (Became law upon approval of the Governor, November 29, 2001 -- S.L. 2001-473.)

S.B. 920, AN ACT TO REPEAL OBSOLETE STATUTES AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES. (Became law upon approval of the Governor, November 29, 2001--S.L. 2001-474.)

S.B. 970, AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL. (Became law upon approval of the Governor, November 29, 2001--S.L. 2001-475.)

S.B. 748, AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT; TO APPLY A GRADUATED TAX RATE TO SALES OF ELECTRICITY TO MANUFACTURERS BASED ON ANNUAL VOLUME OF ELECTRICITY USED; TO APPLY DEFINITIONS FROM THE STREAMLINED SALES TAX PROJECT TO THE SALES TAX HOLIDAY; AND TO PROVIDE A FOUR-YEAR EXTENSION ON THE EXEMPTION FROM BIDDING LAW REQUIREMENTS FOR THE PIEDMONT TRIAD INTERNATIONAL AIRPORT AUTHORITY. (Became law upon approval of the Governor, November 29, 2001--S.L. 2001-476.)

S.B. 881, AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT. (Became law upon approval of the Governor, November 29, 2001--S.L. 2001-477.)

CALENDAR *(continued)*

H.B. 1388 (Conference Report), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, Conference Report, for adoption.

Upon motion of Senator Kerr, the Senate adopts the Conference Report (36-2).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

CONFERENCE REPORT

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 1014 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1014, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, House Committee Substitute # 2 Favorable 7/23/01, Seventh Edition Engrossed 7/30/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute # 2 Favorable 7/23/01, Seventh Edition Engrossed 7/30/01, and the Senate concurs in the House Committee Substitute as amended:

on page 5, line 30, through page 6, line 9, by rewriting the lines to read:

~~"(2) Trucks, trailers or other vehicles when~~ A truck, trailer, or other vehicle licensed for more than 7,500 pounds gross vehicle weight that is loaded with rock, gravel, stone, stone, or any other similar substances which substance, other than sand, that could fall, blow, leak, sift, sift, or drop shall not be driven or moved on any highway unless unless:

a. the The height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading point, or if not so loaded, unless point; and

b. the The load shall be is securely covered by tarpaulin or some other suitable covering, or unless it is otherwise constructed so as covering to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom.

(3) A truck, trailer, or other vehicle:

a. Licensed for any gross vehicle weight and loaded with sand; or

b. Licensed for 7,500 pounds or less gross vehicle weight and loaded with rock, gravel, stone, or any other similar substance that could fall, blow, leak, sift, or drop; shall not be driven or moved on any highway unless:

a. The height of the load against all four walls does not extend above a horizontal line six inches below the top when loaded at the loading point;

b. The load is securely covered by tarpaulin or some other suitable covering; or

c. The vehicle is constructed to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom.";

on page 6, line 16, by replacing "136-28.11." with "136-28.12.";

on page 10, line 8, by replacing "(39)" with "(40)";

on page 10, lines 11 through 23, by rewriting the lines to read:

"SECTION 13. G.S. 130A-309.14 is amended by adding a new subsection to read:

(k) The Department of Transportation shall provide and maintain recycling containers at each rest area located in this State on a highway in the Interstate Highway System or in the State highway system for the collection of each of the following recyclable materials for which recycling is feasible:

(1) Aluminum.

(2) Newspaper.

(3) Recyclable Glass.

(4) Plastic bottles.

For each rest area that has recycling containers, the Department of Transportation shall install signs, or modify existing signs, that are proximately located to the rest area to notify motorists that the rest area has recycling containers.";

on page 10, lines 30 through 33, by rewriting the lines to read:

"that recycling containers are readily accessible on each floor where State employees are located in a building occupied by a State agency. Recycling containers required pursuant to this subdivision shall be clearly labeled to identify the types of recyclable materials to be deposited in each container and, to the extent practicable, recycling containers for glass, plastic, and aluminum shall be located near trash receptacles. The program shall provide for the"; and

on page 11, lines 5 through 9, by rewriting those line to read:

"SECTION 16. Section 1 of this act becomes effective March 1, 2002, and applies to offenses committed on or after that date. Section 2 of this act becomes effective June 1, 2002, and applies to offenses committed on or after that date. Sections 5, 6, 7, 8, 9, 10, 11, 12, 15, and 16 of this act are effective when it becomes law. Sections 3, 4, 13, and 14 of this act become effective January 1, 2002."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: November 29, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Charles W. Albertson, Chair

S/ Joe Hackney, Chair

S/ T. LaFontine Odom, Sr.

S/ Jennifer Weiss

S/ Austin M. Allran

Joanne Bowie

S/ David W. Hoyle

S/ Paul Miller

The Conference Report is placed on the Calendar for tomorrow, Tuesday, December 4, for adoption.

REPORTS OF COMMITTEES

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

**North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808**

November 27, 2001

The President and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601-2808

Dear Madame President and Members of the Senate:

In compliance with the provisions of G.S. § 106-2 requiring appointees to the Board of Agriculture to be by and with the consent of the Senate, Governor Easley has submitted his appointees Mr. Brent Fleming, Mr. C. Osmond Kearney, Jr., and Mr. Roger D. Oxendine, for consent. Their terms will expire on May 1, 2007.

December 3, 2001

The Senate Committee on Agriculture/Environment/Natural Resources has considered the appointments and makes the following recommendations to the Senate:

That the appointments of Mr. Brent Fleming, Mr. C. Osmond Kearney, Jr., and Mr. Roger D. Oxendine to the Board of Agriculture beginning September 2001 and expiring May 1, 2007, are given the consent of the Senate.

Respectfully submitted,
S/ Charles Albertson, Chair
Senate Agriculture
/Environment/Natural
Resources Committee

Senator Albertson offers a motion that the Senate adopt the report of the Committee which motion prevails (38-0). The Senate confirms the appointment by the Governor pursuant to G.S. 106-2 of Mr. Brent Fleming, Mr. C. Osmond Kearney, Jr. and Mr. Roger D. Oxendine to the State Board of Agriculture.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 990 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 on November 28 and Senator Rand's motion to appoint conferees having prevailed, Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Rand, Chairman; and Senator Dalton; Senator Lee; and Senator Lucas as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Senator Basnight, President Pro Tempore extends the courtesies of the gallery to his nephew and his wife, Rex and Laura Tillett, from Manteo, N.C.

Upon motion of Senator Ballance, seconded by Senator Shaw of Guilford, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports and conference reports to meet tomorrow, Tuesday, December 4, at 11:00 A.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
December 3, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the December 3, 2001

House has adopted the report of the conferees on Senate Committee Substitute for HB 1061, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE UNDER WHICH A LESSOR, IN ORDER TO ENCOURAGE WATER CONSERVATION, MAY ALLOCATE THE COST OF PROVIDING WATER AND SEWER SERVICE AS RENT ON A METERED USE BASIS.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
December 3, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for HB 1388, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
December 3, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute # 2 for **S.B. 990**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL, and requests conferees,

The Speaker appoints:

Representative Warner,
Representative Bonner,
Representative Yongue,
Representative Jeffus, and
Representative Ellis

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 1038 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, December 4.

CONFERENCE REPORT

Senator Swindell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 969 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 969, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, Sixth Edition Engrossed 10/4/01, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the Sixth Edition Engrossed 10/4/01, and the House concurs in the Sixth Edition Engrossed as amended:

December 3, 2001

Delete the entire Sixth Edition Engrossed and substitute the attached Proposed Conference Committee Substitute H969-PCCS7288-RTx-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: 3 December 2001.

Conferees for the Senate

Conferees for the House of Representatives

- S/ A.B. Swindell, IV
- Linda D. Garrou
- S/ David W. Hoyle
- T.L. "Fountain" Odom, Sr.
- S/ Aaron W. Plyler
- S/ Anthony E. Rand

- S/ Joe Hackney
- S/ Bill Culpepper
- S/ Pryor A. Gibson III
- S/ Jennifer Weiss
- S/ Constance K. Wilson

The text of the attached Proposed Conference Committee Substitute H969-PCCS7288-RTx-3 is as follows:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-183.7 reads as rewritten:

"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on a vehicle; use of civil penalties.

(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an inspection sticker, the fee must be collected. The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 8.25	\$ 4.00 1.05
Emissions and Safety	17.00 23.50	2.40 6.50.

The fee for performing an inspection of a vehicle applies when an inspection is performed, regardless of whether the vehicle passes the inspection. The fee for an inspection sticker applies when an inspection sticker is put on a vehicle. The fee for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after-factory tint. A safety inspection mechanic shall not inspect an after-factory tinted window of a vehicle for which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

A vehicle that is inspected at an inspection station and fails the inspection is entitled to be reinspected at the same station at any time within 30 days of the failed inspection without paying another inspection fee.

The inspection fee for an emissions and safety inspection set out in this subsection is

the maximum amount that an inspection station or an inspection mechanic may charge for an emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. The inspection fee for a safety only inspection set out in this subsection may not be increased or decreased. The sticker fees set out in this subsection may not be increased or decreased.

(b) Self-Inspector. – The fee for an inspection does not apply to an inspection performed by a self-inspector. The fee for putting an inspection sticker on a vehicle applies to an inspection performed by a self-inspector.

(c) Fee Distribution. – Fees collected for inspection stickers are payable to the Division of Motor Vehicles. The amount of each fee listed in the table below shall be credited to the Highway Fund, the Emissions Program Account established in subsection (d) of this section, the Telecommunications Account established in subsection (d1) of this section, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the Division of Air Quality of the Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only Sticker</u>	<u>Emissions and Safety Sticker</u>
Highway Fund	.75	.00
Emissions Program Account	.00	4.80 3.80
<u>Telecommunications Account</u>	.00	1.75
Volunteer Rescue/EMS Fund	15.18	15.18
Rescue Squad Workers' Relief Fund	10.12	10.12
Division of Air Quality	.00	.35 .65

(d) Emissions Program Account. – The Emissions Program Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to fund the vehicle emissions inspection and maintenance program.

(d1) Telecommunications Account. – The Telecommunications Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to provide equipment and telecommunications services associated with the vehicle emissions inspection and maintenance program.

(e) Civil Penalties. – Civil penalties collected under this Part shall be credited to the Highway Fund as nontax revenue.

(f) Inspection Stations Required to Post Fee Information. – The Division shall approve the form and style of one or more standard signs to be used to display the information required by this subsection. The Division shall require that one or more of the standard signs be conspicuously posted at each inspection station in a manner reasonably calculated to make the information on the sign readily available to each person who presents a motor vehicle to the station for inspection. The sign shall include the following information:

- (1) The maximum and minimum amounts of the inspection fee authorized by this section.
- (2) The amount of the inspection fee charged by the inspection station and a statement that clearly indicates that the amount of the inspection fee is determined by the inspection station, that the inspection fee is retained by the inspection station to compensate the station for performing the inspection, and that the inspection fee is not paid to the State.

- (3) The amount of the sticker fee, if the motor vehicle passes the inspection, a statement that the sticker fee is paid to the State, and a brief summary of the purposes for which the sticker fee is collected.
- (4) The total fee to be charged if the motor vehicle passes the inspection.
- (5) A statement that a vehicle that fails an inspection may be reinspected at the same station within 30 days of the inspection without payment of another inspection fee.

(g) Information on Receipt. – The information set out in subdivisions (1) through (5) of subsection (f) of this section shall be set out in not smaller than 12 point type and shall be shown graphically in the form of a pie chart on the inspection receipt.

(h) Subsections (f) and (g) of this section apply only to inspection stations that perform both emissions and safety inspections."

SECTION 2. G.S. 20-183.7, as amended by Section 1 of this act, reads as rewritten:

"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on a vehicle; use of civil penalties.

(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an inspection sticker, the fee must be collected. The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 8.25	\$ 4.05 .85
Emissions and Safety	23.50	6.50.

The fee for performing an inspection of a vehicle applies when an inspection is performed, regardless of whether the vehicle passes the inspection. The fee for an inspection sticker applies when an inspection sticker is put on a vehicle. The fee for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after-factory tint. A safety inspection mechanic shall not inspect an after-factory tinted window of a vehicle for which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

A vehicle that is inspected at an inspection station and fails the inspection is entitled to be reinspected at the same station at any time within 30 days of the failed inspection without paying another inspection fee.

The inspection fee for an emissions and safety inspection set out in this subsection is the maximum amount that an inspection station or an inspection mechanic may charge for an emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. The inspection fee for a safety only inspection set out in this subsection may not be increased or decreased. The sticker fees set out in this subsection may not be increased or decreased.

(b) Self-Inspector. – The fee for an inspection does not apply to an inspection performed by a self-inspector. The fee for putting an inspection sticker on a vehicle applies to an inspection performed by a self-inspector.

(c) Fee Distribution. – Fees collected for inspection stickers are payable to the Division of Motor Vehicles. The amount of each fee listed in the table below shall be credited to the Highway Fund, the Emissions Program Account established in subsection (d) of this section, the Telecommunications Account established in subsection (d1) of this section, the Highway Trust Fund Repayment Fee established in subsection (d2) of this section, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the Division of Air Quality of the Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only Sticker</u>	<u>Emissions and Safety Sticker</u>
Highway Fund	<u>.75.55</u>	<u>.00.55</u>
Emissions Program Account	.00	3.803.00
Telecommunications Account	.00	1.75
Volunteer Rescue/EMS Fund	.18	.18
Rescue Squad Workers' Relief Fund	.12	.12
Division of Air Quality	.00	.65.65
<u>Highway Trust Fund Repayment Fee</u>	<u>.00</u>	<u>.25.</u>

(d) Emissions Program Account. – The Emissions Program Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to fund the vehicle emissions inspection and maintenance program.

(d1) Telecommunications Account. – The Telecommunications Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to provide equipment and telecommunications services associated with the vehicle emissions inspection and maintenance program.

(d2) Highway Trust Fund Repayment Fee. – The Highway Trust Fund Repayment Fee shall be credited to the Highway Trust Fund on a quarterly basis in order to repay certain funds allocated from the Highway Trust Fund to the Division for the implementation of the vehicle emissions and maintenance program.

(e) Civil Penalties. – Civil penalties collected under this Part shall be credited to the Highway Fund as nontax revenue.

(f) Inspection Stations Required to Post Fee Information. – The Division shall approve the form and style of one or more standard signs to be used to display the information required by this subsection. The Division shall require that one or more of the standard signs be conspicuously posted at each inspection station in a manner reasonably calculated to make the information on the sign readily available to each person who presents a motor vehicle to the station for inspection. The sign shall include the following information:

- (1) The maximum and minimum amounts of the inspection fee authorized by this section.
- (2) The amount of the inspection fee charged by the inspection station and a statement that clearly indicates that the amount of the inspection fee is determined by the inspection station, that the inspection fee is retained by the inspection station to compensate the station for performing the inspection, and that the inspection fee is not paid to the State.
- (3) The amount of the sticker fee, if the motor vehicle passes the inspection, a statement that the sticker fee is paid to the State, and a brief summary of the purposes for which the sticker fee is collected.
- (4) The total fee to be charged if the motor vehicle passes the inspection.
- (5) A statement that a vehicle that fails an inspection may be reinspected at the same station within 30 days of the inspection without payment of another inspection fee.

(g) Information on Receipt. – The information set out in subdivisions (1) through (5) of subsection (f) of this section shall be set out in not smaller than 12 point type and shall be shown graphically in the form of a pie chart on the inspection receipt.

(h) Subsections (f) and (g) of this section apply only to inspection stations that perform both emissions and safety inspections."

SECTION 3. G.S. 20-183.7, as amended by Sections 1 and 2 of this act, reads as rewritten:

"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on a vehicle; use of civil penalties.

(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an inspection sticker, the fee must be collected. The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 8.25	\$.85
Emissions and Safety	23.50 <u>23.75</u>	6.50 <u>6.25</u>

The fee for performing an inspection of a vehicle applies when an inspection is performed, regardless of whether the vehicle passes the inspection. The fee for an inspection sticker applies when an inspection sticker is put on a vehicle. The fee for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after-factory tint. A safety inspection mechanic shall not inspect an after-factory tinted window of a vehicle for which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

A vehicle that is inspected at an inspection station and fails the inspection is entitled to be reinspected at the same station at any time within 30 days of the failed inspection without paying another inspection fee.

The inspection fee for an emissions and safety inspection set out in this subsection is the maximum amount that an inspection station or an inspection mechanic may charge for an emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. The inspection fee for a safety only inspection set out in this subsection may not be increased or decreased. The sticker fees set out in this subsection may not be increased or decreased.

(b) Self-Inspector. – The fee for an inspection does not apply to an inspection performed by a self-inspector. The fee for putting an inspection sticker on a vehicle applies to an inspection performed by a self-inspector.

(c) Fee Distribution. – Fees collected for inspection stickers are payable to the Division of Motor Vehicles. The amount of each fee listed in the table below shall be credited to the Highway Fund, the Emissions Program Account established in subsection (d) of this section, the Telecommunications Account established in subsection (d1) of this section, ~~the Highway Trust Fund Repayment Fee established in subsection (d2) of this section,~~ the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the Division of Air Quality of the Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only Sticker</u>	<u>Emissions and Safety Sticker</u>
Highway Fund	.55	.55
Emissions Program Account	.00	3.00
Telecommunications Account	.00	1.75
Volunteer Rescue/EMS Fund	.18	.18
Rescue Squad Workers' Relief Fund	.12	.12
Division of Air Quality	.00	.65 <u>.65</u>
Highway Trust Fund Repayment Fee	.00	.25

(d) Emissions Program Account. – The Emissions Program Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to fund the vehicle emissions inspection and maintenance program.

(d1) Telecommunications Account. – The Telecommunications Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to provide equipment and telecommunications services associated with the vehicle emissions inspection and maintenance program.

~~(d2) Highway Trust Fund Repayment Fee. – The Highway Trust Fund Repayment Fee shall be credited to the Highway Trust Fund on a quarterly basis in order to repay certain funds allocated from the Highway Trust Fund to the Division for the implementation of the vehicle emissions and maintenance program.~~

(e) Civil Penalties. – Civil penalties collected under this Part shall be credited to the Highway Fund as nontax revenue.

(f) Inspection Stations Required to Post Fee Information. – The Division shall approve the form and style of one or more standard signs to be used to display the information required by this subsection. The Division shall require that one or more of the standard signs be conspicuously posted at each inspection station in a manner reasonably calculated to make the information on the sign readily available to each person who presents a motor vehicle to the station for inspection. The sign shall include the following information:

- (1) The maximum and minimum amounts of the inspection fee authorized by this section.
- (2) The amount of the inspection fee charged by the inspection station and a statement that clearly indicates that the amount of the inspection fee is determined by the inspection station, that the inspection fee is retained by the inspection station to compensate the station for performing the inspection, and that the inspection fee is not paid to the State.
- (3) The amount of the sticker fee, if the motor vehicle passes the inspection, a statement that the sticker fee is paid to the State, and a brief summary of the purposes for which the sticker fee is collected.
- (4) The total fee to be charged if the motor vehicle passes the inspection.
- (5) A statement that a vehicle that fails an inspection may be reinspected at the same station within 30 days of the inspection without payment of another inspection fee.

(g) Information on Receipt. – The information set out in subdivisions (1) through (5) of subsection (f) of this section shall be set out in not smaller than 12 point type and shall be shown graphically in the form of a pie chart on the inspection receipt.

(h) Subsections (f) and (g) of this section apply only to inspection stations that perform both emissions and safety inspections."

SECTION 4. G.S. 20-183.2(b)(3) reads as rewritten:

"(3) It is ~~a 1975 or later model,~~fewer than 25 model years old."

SECTION 5. G.S. 20-183.2(b)(3) reads as rewritten:

"(3) ~~It is fewer than 25 model years old.~~Except as provided in G.S. 20-183.3(b), it is a 1996 or later model."

SECTION 6. Section 9 of S.L. 2000-134 is repealed.

SECTION 7. G.S. 20-183.3(b), as amended by Section 8 of S.L. 2000-134, reads as rewritten:

"(b) Emissions. – An emissions inspection of a motor vehicle consists of a visual inspection of the vehicle's emissions control devices to determine if the devices are present, are properly connected, and are the correct type for the vehicle and, if the vehicle is ~~a 1975 through 1995 fewer than 25 model years old and not a 1996 or later model,~~ an

analysis of the exhaust emissions of the vehicle to determine if the exhaust emissions meet the standards for the model year of the vehicle set by the Environmental Management Commission or, if the vehicle is a 1996 or later model, an analysis of data provided by the on-board diagnostic (OBD) equipment installed by the vehicle manufacturer to identify any deterioration or malfunction in the operation of the vehicle that violates standards for the model year of the vehicle set by the Environmental Management Commission. To pass an emissions inspection a vehicle must pass both the visual inspection and, if the vehicle is ~~a 1975 through 1995~~ fewer than 25 model years old and not a 1996 or later model, the exhaust emissions analysis or, if the vehicle is a 1996 or later model, the OBD analysis. When an emissions inspection is performed on a vehicle, a safety inspection must be performed on the vehicle as well."

SECTION 8. Section 20 of S.L. 2000-134 reads as rewritten:

"Section 20. During the period 1 July 2002 through 31 December 2005, in the counties of Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union, and Wake, an emissions inspection station, an emissions inspection mechanic, and an emissions self-inspector, as those terms are used in G.S. 20-183.4A, may elect to perform emissions inspections: (i) only on ~~1975 through 1995~~ and older model vehicles that are fewer than 25 model years old using an emissions analyzer; (ii) only on 1996 or later model vehicles using equipment to analyze data provided by the on-board diagnostic (OBD) equipment, or (iii) both on ~~1975 through 1995~~ and older model vehicles that are fewer than 25 model years old using an emissions analyzer and on 1996 or later model vehicles using equipment to analyze data provided by the on-board diagnostic (OBD) equipment. This section shall not be construed to authorize an emissions inspection station or an emissions self-inspector to perform an emissions inspection on a vehicle of a model year for which the emissions inspection station or emissions self-inspector does not have the equipment necessary to perform an emissions inspection of vehicles of that model year. This section shall not be construed to authorize an emissions inspection mechanic to perform an emissions inspection on a vehicle unless the emissions inspection mechanic has successfully completed a course, as required by G.S. 20-183.4A(2) or G.S. 20-183.4A(2a), that includes training on the use of the equipment necessary to perform an emissions inspection on vehicles of that model year."

SECTION 9. Part 2 of Article 3A of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-183.5A. When a vehicle that fails a safety inspection because of missing emissions control devices may obtain a waiver.

(a) Requirements. – The Division may issue a waiver for a vehicle that meets all of the following requirements:

- (1) Fails a safety inspection because it does not have one or more emissions control devices.**
- (2) Has documented repairs within the previous calendar year to replace missing emissions control devices costing at least the waiver amount made to the vehicle to correct the cause of the failure. The waiver amount is seventy-five dollars (\$75.00) if the vehicle is a pre-1981 model and is two hundred dollars (\$200.00) if the vehicle is a 1981 or newer model.**

(b) Procedure. – To obtain a waiver, a person must contact a local enforcement office of the Division. Before issuing a waiver, an employee of the Division must review the inspection receipts issued for the inspections of the vehicle, review the documents establishing what repairs were made to the vehicle and at what cost, review any statement denying warranty coverage of the repairs made, and do a visual inspection of the vehicle, if appropriate, to determine if the documented repairs were made. The Division must issue a waiver if it determines that the vehicle qualifies for a waiver. A person to whom a waiver is issued must present the waiver to the self-inspector or inspection station

performing the inspection to obtain an inspection sticker.

(c) Repairs. – The following repairs and their costs cannot be considered in determining whether the cost of repairs made to a vehicle equals or exceeds the waiver amount:

- (1) Repairs covered by a warranty that applies to the vehicle.
- (2) Repairs needed as a result of tampering with an emission control device of the vehicle.
- (3) If the vehicle is a 1981 or newer model, repairs made by an individual who is not engaged in the business of repairing vehicles.

(d) Sticker Expiration. – An inspection sticker put on a vehicle after the vehicle receives a waiver from the requirement of passing the safety inspection expires at the same time it would if the vehicle had passed the safety inspection."

SECTION 10. G.S. 20-183.2(b) is amended by adding a new subdivision to read:

- "(8) It is not a privately owned, nonfleet motor home or house car, as defined in G.S. 20-4.01(27)d2., that is built on a single chassis, has a gross vehicle weight of more than 10,000 pounds, and is designed primarily for recreational use."

SECTION 11. G.S. 20-183.4C(a) is amended by adding a new subdivision to read:

- "(5a) If the registration of a vehicle is transferred from a county that is not an emissions county to an emissions county, the vehicle must be inspected in accordance with this Part within 60 days of the transfer of registration."

SECTION 12. Part 1 of Article 3A of Chapter 20 of the General Statutes is amended by adding two new sections to read:

"§ 20-183.7A. Penalties applicable to license holders and suspension or revocation of license for safety violations.

(a) Kinds of Violations. – The civil penalty schedule established in this section applies to safety self-inspectors, safety inspection stations, and safety inspection mechanics. The schedule categorizes safety violations into serious (Type I), minor (Type II), and technical (Type III) violations. A serious violation is a violation of this Part or a rule adopted to implement this Part that directly affects the safety or emissions reduction benefits of the safety inspection program. A minor violation is a violation of this Part or a rule adopted to implement this Part that reflects negligence or carelessness in conducting a safety inspection or complying with the safety inspection requirements but does not directly affect the safety benefits or emission reduction benefits of the safety inspection program. A technical violation is a violation that is not a serious violation, a minor violation, or another type of offense under this Part.

(b) Penalty Schedule. – The Division must take the following action for a violation:

- (1) Type I. – For a first or second Type I violation within three years by a safety self-inspector or a safety inspection station, assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the license of the business for six months. For a third or subsequent Type I violation within three years by a safety self-inspector or a safety inspection station, assess a civil penalty of one thousand dollars (\$1,000) and revoke the license of the business for two years. For a first or second Type I violation within seven years by a safety inspection mechanic, assess a civil penalty of one hundred dollars (\$100.00) and suspend the mechanic's license for six months. For a third or subsequent Type I violation within seven years by a safety inspection mechanic, assess a civil penalty of two hundred fifty dollars (\$250.00) and revoke the

mechanic's license for two years.

- (2) Type II. – For a first or second Type II violation within three years by a safety self-inspector or a safety inspection station, assess a civil penalty of one hundred dollars (\$100.00). For a third or subsequent Type II violation within three years by a safety self-inspector or a safety inspection station, assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the license of the business for 90 days. For a first or second Type II violation within seven years by a safety inspection mechanic, assess a civil penalty of fifty dollars (\$50.00). For a third or subsequent Type II violation within seven years by a safety inspection mechanic, assess a civil penalty of one hundred dollars (\$100.00) and suspend the mechanic's license for 90 days.
- (3) Type III. – For a first or second Type III violation within seven years by a safety self-inspector, a safety inspection station, or a safety inspection mechanic, send a warning letter. For a third or subsequent Type III violation within seven years by the same safety license holder, assess a civil penalty of twenty-five dollars (\$25.00).

(c) Station or Self-Inspector Responsibility. – It is the responsibility of a safety inspection station and a safety self-inspector to supervise the safety inspection mechanics it employs. A violation by a safety inspection mechanic is considered a violation by the station or self-inspector for whom the mechanic is employed.

(d) Multiple Violations. – If a safety self-inspector, a safety inspection station, or a safety inspection mechanic commits two or more violations in the course of a single safety inspection, the Division shall take only the action specified for the most significant violation.

(e) Mechanic Training. – A safety inspection mechanic whose license has been suspended or revoked must retake the course required under G.S. 20-183.4 and successfully complete the course before the mechanic's license can be reinstated. Failure to successfully complete this course continues the period of suspension or revocation until the course is completed successfully.

"§ 20-183.7B. Acts that are Type I, II, or III safety violations.

(a) Type I. – It is a Type I violation for a safety self-inspector, a safety inspection station, or a safety inspection mechanic to do any of the following:

- (1) Put a safety inspection sticker on a vehicle without performing a safety inspection of the vehicle.
- (2) Put a safety inspection sticker on a vehicle after performing a safety inspection of the vehicle and determining that the vehicle did not pass the inspection.
- (3) Allow a person who is not licensed as a safety inspection mechanic to perform a safety inspection for a self-inspector or at a safety inspection station.
- (4) Sell or otherwise give an inspection sticker to another, other than as the result of a vehicle inspection in which the vehicle passed the inspection.
- (5) Be unable to account for five or more inspection stickers at any one time upon the request of an officer of the Division.
- (6) Perform a safety-only inspection on a vehicle that is subject to both a safety and an emissions inspection.
- (7) Transfer an inspection sticker from one vehicle to another.
- (8) Conduct a safety inspection of a vehicle without driving the vehicle and without raising the vehicle and without opening the hood of the vehicle to check equipment located therein.
- (9) Solicit or accept anything of value to pass a vehicle other than as

provided in this Part.

(b) Type II. – It is a Type II violation for a safety self-inspector, a safety inspection station, or a safety inspection mechanic to do any of the following:

- (1) Put a safety inspection sticker on a vehicle without driving the vehicle and checking the vehicle's braking reaction, foot brake pedal reserve, and steering free play.
- (2) Put a safety inspection sticker on a vehicle without raising the vehicle to free each wheel and checking the vehicle's tires, brake lines, parking brake cables, wheel drums, exhaust system, and the emissions equipment.
- (3) Put a safety inspection sticker on a vehicle without raising the hood and checking the master cylinder, horn mounting, power steering, and emissions equipment.
- (4) Conduct a safety inspection of a vehicle outside the designated inspection area.
- (5) Put a safety inspection sticker on a vehicle with inoperative equipment, or with equipment that does not conform to the vehicle's original equipment or design specifications, or with equipment that is prohibited by any provision of law.
- (6) Put a safety inspection sticker on a vehicle without performing a visual inspection of the vehicle's exhaust system.
- (7) Put a safety inspection sticker on a vehicle without checking the exhaust system for leaks.
- (8) Put a safety inspection sticker on a vehicle that is required to have any of the following emissions control devices but does not have the device:
 - a. Catalytic converter.
 - b. PCV valve.
 - c. Thermostatic air control.
 - d. Oxygen sensor.
 - e. Unleaded gas restrictor.
 - f. Gasoline tank cap.
 - g. Air injection system.
 - h. Evaporative emissions system.
 - i. Exhaust gas recirculation (EGR) valve.
- (9) Put a safety inspection sticker on a vehicle after failing to inspect four or more of the following:
 - a. Emergency brake.
 - b. Horn.
 - c. Headlight high beam indicator.
 - d. Inside rearview mirror.
 - e. Outside rearview mirror.
 - f. Turn signals.
 - g. Parking lights.
 - h. Headlights – operation and lens.
 - i. Headlights – aim.
 - j. Stoplights.
 - k. Taillights.
 - l. License plate lights.
 - m. Windshield wiper.
 - n. Windshield wiper blades.
 - o. Window tint.
- (10) Impose no fee for a safety inspection of a vehicle or the issuance of a

safety inspection sticker or impose a fee for one of these actions in an amount that differs from the amount set in G.S. 20-183.7.

(c) Type III. – It is a Type III violation for a safety self-inspector, a safety inspection station, or a safety inspection mechanic to do any of the following:

- (1) Fail to post a safety inspection station license issued by the Division.
- (2) Fail to send information on safety inspections to the Division at the time or in the form required by the Division.
- (3) Fail to post all safety information required by federal law and by the Division.
- (4) Fail to put the required information on an inspection sticker or inspection receipt in a legible manner using ink.
- (5) Issue a receipt that is signed by a person other than the safety inspection mechanic.
- (6) Place an incorrect expiration date on an inspection sticker.
- (7) Put a safety inspection sticker on a vehicle after having failed to inspect three or fewer of the following:
 - a. Emergency brake.
 - b. Horn.
 - c. Headlight high beam indicator.
 - d. Inside rearview mirror.
 - e. Outside rearview mirror.
 - f. Turn signals.
 - g. Parking lights.
 - h. Headlights – operation and lens.
 - i. Headlights – aim.
 - j. Stoplights.
 - k. Taillights.
 - l. License plate lights.
 - m. Windshield wiper.
 - n. Windshield wiper blades.
 - o. Window tint.

(d) Other Acts. – The lists in this section of the acts that are Type I, Type II, or Type III violations are not the only acts that are one of these types of violations. The Division may designate other acts that are a Type I, Type II, or Type III violation."

SECTION 13. G.S. 20-183.8 reads as rewritten:

"§ 20-183.8. Infractions and criminal offenses for violations of inspection requirements.

(a) Infractions. – A person who does any of the following commits an infraction and, if found responsible, is liable for a penalty of up to fifty dollars (\$50.00):

- (1) Operates a motor vehicle that is subject to inspection under this Part on a highway or public vehicular area in the State when the vehicle has not been inspected in accordance with this Part, as evidenced by the vehicle's lack of a current inspection sticker or otherwise.
- (2) Allows an inspection sticker to be put on a vehicle owned or operated by that person, knowing that the vehicle was not inspected before the sticker was attached or was not inspected properly.
- (3) Puts an inspection sticker on a vehicle, knowing or having reasonable grounds to know that an inspection of the vehicle was not performed or was performed improperly. A person who is cited for a civil penalty under G.S. 20-183.8B for an emissions violation involving the inspection of a vehicle may not be charged with an infraction under this subdivision based on that same vehicle.

- (4) Alters the original certified configuration or data link connectors of a vehicle in such a way as to make an emissions inspection by analysis of data provided by on-board diagnostic (OBD) equipment inaccurate or impossible.

(b) Defenses to Infractions. – Any of the following is a defense to a violation under subsection (a) of this section:

- (1) The vehicle was continuously out of State for at least the 30 days preceding the date the inspection sticker expired and a current inspection sticker was obtained within 10 days after the vehicle came back to the State.
- (2) The vehicle displays a dealer license plate or a transporter plate, the dealer repossessed the vehicle or otherwise acquired the vehicle within the last 10 days, and the vehicle is being driven from its place of acquisition to the dealer's place of business or to an inspection station.
- (3) Repealed by Session Laws 1997-29, s. 5.
- (4) The charged infraction is described in subdivision (a)(1) of this section, the vehicle is subject to a safety inspection or an emissions inspection and the vehicle owner establishes in court that the vehicle was inspected after the citation was issued and within 30 days of the expiration date of the inspection sticker that was on the vehicle when the citation was issued.

(c) Felony. – A person who does any of the following commits a Class I felony:

- (1) Forges an inspection sticker.
- (2) Buys, sells, or possesses a forged inspection sticker.
- (3) Buys, sells, or possesses an inspection sticker other than as the result of either of the following:
 - a. Having a license as an inspection station, a self-inspector, or an inspection mechanic and obtaining the inspection sticker from the Division in the course of business.
 - b. A vehicle inspection in which the vehicle passed the inspection or for which the vehicle received a waiver.
- (4) Solicits or accepts anything of value in order to pass a vehicle that fails a safety or emissions inspection.
- (5) Fails a vehicle for any reason not authorized by law."

SECTION 14. G.S. 20-183.8B(d) reads as rewritten:

"(d) Missing Stickers. – The Division must assess a civil penalty against an emissions inspection ~~station~~ station, a windshield replacement station, or an emissions self-inspector that cannot account for an emissions inspection sticker issued to it. A station or a self-inspector cannot account for a sticker when the sticker is missing and the station or self-inspector cannot establish reasonable grounds for believing the sticker was stolen or destroyed by fire or another accident.

(d1) Penalty for Missing Stickers. – The amount of the penalty is twenty-five dollars (\$25.00) for each missing sticker. If a penalty is imposed under subsection (b) of this section as the result of missing stickers, the monetary penalty that applies is the higher of the penalties required under this subsection and subsection (b); the Division may not assess a monetary penalty as a result of missing stickers under both this subsection and subsection ~~(b)~~, (b) of this section. Imposition of a monetary penalty under this subsection does not affect suspension or revocation of a license required under subsection ~~(b)~~, (b) of this section."

SECTION 15. G.S. 20-183.8C(a) reads as rewritten:

"(a)Type I. – It is a Type I violation for an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic to do any of the following:

- (1) Put an emissions inspection sticker on a vehicle without performing an emissions inspection of the vehicle.
- (1a) Put an emissions inspection sticker on a vehicle after performing an emissions inspection of the vehicle and determining that the vehicle did not pass the inspection.
- (2) Use a test-defeating strategy when conducting an emissions inspection, such as holding the accelerator pedal down slightly during an idle test, disconnecting or crimping a vacuum hose to effect a passing result, ~~or~~ changing the emission standards for a vehicle by incorrectly entering the vehicle type or model ~~year~~ year, or using data provided by the on-board diagnostic (OBD) equipment of another vehicle to achieve a passing result.
- (3) Allow a person who is not licensed as an emissions inspection mechanic to perform an emissions inspection for a self-inspector or at an emissions station.
- (4) Sell or otherwise give an inspection sticker to another other than as the result of a vehicle inspection in which the vehicle passed the inspection or for which the vehicle received a waiver.
- (5) Be unable to account for five or more inspection stickers at any one time upon the request of an auditor of the Division.
- (6) Perform a safety-only inspection on a vehicle that is subject to both a safety and an emissions inspection.
- (7) Transfer an inspection sticker from one vehicle to another."

SECTION 16. G.S. 20-183.8C(b) reads as rewritten:

"(b) Type II. – It is a Type II violation for an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic to do any of the following:

- (1) Use the identification code of another to gain access to an emissions analyzer or to equipment to analyze data provided by on-board diagnostic (OBD) equipment.
- (2) Keep inspection stickers and other compliance documents in a manner that makes them easily accessible to individuals who are not inspection mechanics.
- (3) Put a safety inspection sticker or an emissions inspection sticker on a vehicle that is required to have one of the following emissions control devices but does not have it:
 - a. Catalytic converter.
 - b. PCV valve.
 - c. Thermostatic air control.
 - d. Oxygen sensor.
 - e. Unleaded gas restrictor.
 - f. Gasoline tank cap.
 - g. Air injection system.
 - h. Evaporative emissions system.
 - i. Exhaust gas recirculation (EGR) valve.
- (4) Put a safety inspection sticker or an emissions inspection sticker on a vehicle without performing a visual inspection of the vehicle's exhaust system and checking the exhaust system for leaks.
- (5) Impose no fee for an emissions inspection of a vehicle or the issuance of an emissions inspection sticker or impose a fee for one of these actions in an amount that differs from the amount set in G.S. 20-183.7."

SECTION 17. G.S. 20-183.8F reads as rewritten:

"§ 20-183.8F. **Requirements for giving license holders notice of violations and for**

taking summary action.

(a) Finding of Violation. – When an auditor of the Division finds that a violation has occurred that could result in the suspension or revocation of an inspection station license, a self-inspector license, ~~or a mechanic license,~~ a mechanic license, or the registration of a person engaged in the business of replacing windshields, the auditor must give the affected license holder written notice of the finding. The notice must be given within five business days after the ~~violation occurred,~~ completion of the investigation that resulted in the discovery of the violation. The notice must state the period of suspension or revocation that could apply to the violation and any monetary penalty that could apply to the violation. The notice must also inform the license holder of the right to a hearing if the Division charges the license holder with the violation.

(b) Notice of Charges. – When the Division decides to charge an inspection station, a self-inspector, ~~or a mechanic~~ a mechanic, or a person who is engaged in the business of replacing windshields with a violation that could result in the suspension or revocation of the person's license, an auditor of the Division must deliver a written statement of the charges to the affected license holder. The statement of charges must inform the license holder of this right, instruct the person on how to obtain a hearing, and inform the license holder of the effect of not requesting a hearing. The license holder has the right to a hearing before the license is suspended or revoked. G.S. 20-183.8E sets out the procedure for obtaining a hearing.

(c) Exception for Summary Action. – The right granted by subsection (b) of this section to have a hearing before a license is suspended or revoked does not apply if the Division summarily suspends or revokes the license after a judge has reviewed and authorized the proposed action. A license issued to an inspection station, a self-inspector, or a mechanic is a substantial property interest that cannot be summarily suspended or revoked without judicial review.

(d) A notice or statement prepared pursuant to this section or an order of the Division that is directed to a mechanic may be served on the mechanic by delivering a copy of the notice, statement, or order to the station or to the place of business of the self-inspector where the mechanic is employed."

SECTION 18. In order to detect and remedy any deficiency in the equipment, computer software, or procedures used to analyze the data provided by on-board diagnostic (OBD) equipment in connection with an emissions inspection, the Division of Motor Vehicles of the Department of Transportation and the Division of Air Quality of the Department of Environment and Natural Resources may conduct field trials of the equipment, computer software, and procedures to be used during the six-month period immediately prior to the implementation of OBD-based emissions testing in any county. Field trials shall be conducted in accordance with Part 2 of Article 3A of Chapter 20 of the General Statutes, as amended to provide for the use of OBD equipment, at emissions inspection stations or by emissions self-inspectors that have volunteered to conduct field trials and that have been approved by the Division of Motor Vehicles to conduct the trials. A vehicle that passes a field trial emissions inspection and a safety inspection shall be deemed to have met the requirements of Part 2 of Article 3A of Chapter 20 of the General Statutes in effect at the time the vehicle is inspected and shall be issued an inspection sticker unless the vehicle improperly passes the emissions inspection as a result of a defect in equipment, computer software, or procedures, and the emissions inspection mechanic is aware of the defect.

SECTION 19. This act constitutes a recent act of the General Assembly within the meaning of G.S. 150B-21.1. Notwithstanding G.S. 150B-21.1(a)(2) and 26 NCAC 2C.0102(11), the Environmental Management Commission and the Division of Motor Vehicles of the Department of Transportation may adopt temporary rules to implement the provisions of this act. This section shall continue in effect until all rules necessary to

implement the provisions of this act have become effective as either temporary rules or permanent rules.

SECTION 20. The Environmental Review Commission shall review the motor vehicle emissions inspection and maintenance program to determine ways in which the cost of the program to vehicle owners could be reduced. In particular, the Commission shall consider the advantages and disadvantages of requiring that vehicles undergo an emissions inspection no more frequently than once every two years. The Commission may report its findings and recommendations to the 2002 Regular Session of the 2001 General Assembly and shall report its findings and recommendations to the 2003 General Assembly.

SECTION 21. The Joint Legislative Transportation Oversight Committee shall study the motor vehicle safety inspection program administered pursuant to Part 2 of Article 3A of Chapter 20 of the General Statutes. The Committee shall evaluate the current implementation of the safety inspection program and its effectiveness in reducing the operation of unsafe vehicles and in preventing motor vehicle accidents and resulting property loss, personal injury, and death. The Committee shall determine the cost and benefits of the safety program to the public and to the State. As a part of its study of the motor vehicle safety inspection program, the Committee shall review the policies and experience of other states; evaluate other studies of this topic; evaluate the impact of the safety inspection programs on insurance rates in this and other states; evaluate the impact on the expansion of the emissions inspection program to additional counties, including the impact on the Telecommunications Fund, if the current safety inspection program were reduced or eliminated; determine the impact on the Highway Fund, the Volunteer Rescue/EMS Fund, and the Rescue Squad Workers' Relief Fund if the current safety inspection program were reduced or eliminated; evaluate the advantages and disadvantages of the use of an online data system if the safety inspection program is retained; and investigate other considerations that may be relevant. The Committee may present an interim report of its findings and recommendations to the 2002 Regular Session of the 2001 General Assembly and shall present a final report of its findings and recommendations to the 2003 General Assembly.

SECTION 22. The Department of Transportation may transfer up to two million seven hundred thousand dollars (\$2,700,000) from the Highway Trust Fund to the Division of Motor Vehicles. The Division of Motor Vehicles shall use these funds only to pay the charges for telecommunications services associated with the emissions inspection and maintenance program that have accrued during the 2001 calendar year. These funds shall be repaid to the Highway Trust Fund with fees collected pursuant to the Highway Trust Fund Repayment Fee established in G.S. 20-183.7, as amended by Sections 1, 2, and 3 of this act. Interest shall accrue on any unpaid balance owed to the Highway Trust Fund at a rate equal to the average annual yield that the State Treasurer obtains on investment of funds in the Highway Trust Fund pursuant to G.S. 147-69.1. Any funds collected pursuant to the Highway Trust Fund Repayment Fee prior to the effective date of Sections 3 and 4 of this act that are not required to repay the Highway Trust Fund as provided in this section shall be credited to the Emissions Program Account established by G.S. 20-183.7(c).

SECTION 23. Sections 1, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of this act become effective 1 January 2002. Section 7 of this act becomes effective 1 July 2002. Section 2 of this act becomes effective 1 January 2003. Sections 5 and 6 of this act become effective 1 July 2003. Section 3 of this act becomes effective 1 July 2007. Sections 8, 19, 20, 21, 22, and 23, of this act are effective when this act becomes law.

The Conference Report is placed on the Calendar for tomorrow, Tuesday, December 4, for adoption, upon second reading.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 10:56 P.M.

ONE HUNDRED SEVENTY-FIRST DAY

Senate Chamber
Tuesday, December 4, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Honorable Howard Lee, Senator from Orange County, as follows:

"President Bush has called for a national day of reconciliation. In these trying times when we are constantly challenged by divisiveness and uncertainties, it seems appropriate to pause, reflect and seek reconciliation. Not only should we focus on the problems of the Middle East, the challenges and dangers of terrorist acts on American soil, but also within the borders of our State and even here in the legislature. As we envision this session of the legislature coming to end let us reflect and pray together.

"Let us pray. God of infinite compassion and mercy, we recognize our frailties and limits for tolerance and yearn for peace and harmony. By the power of your spirit, help us to turn to our community of faith in order to find the reconciling power. We ask that you heal our wound and relieve the pain of hurt which divides us. Renew our minds and hearts and let us experience a genuine inner conversion from the paralysis of sin. Let us part from each other with love in our hearts, respect for difference and commitment to unity, one with the other. Amen."

The Chair grants leaves of absence for today to Senator Garrou, Senator Garwood, Senator Jordan, Senator Martin of Pitt and Senator Odom.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, December 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 649, AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES .

H.B. 1061, AN ACT TO CLARIFY THE PROCEDURE UNDER WHICH A LESSOR, IN ORDER TO ENCOURAGE WATER CONSERVATION, MAY ALLOCATE THE COST OF PROVIDING WATER AND SEWER SERVICE AS RENT ON A METERED USE BASIS.

H.B. 1388, AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT.

December 4, 2001

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 865, AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWNS OF ATLANTIC BEACH, EMERALD ISLE, AND HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, AND TO PROVIDE ADDITIONAL PROCEDURES FOR STREET AND SIDEWALK ASSESSMENTS IN THE TOWN OF OCEAN ISLE BEACH.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Miller for the **Redistricting Committee**:

H.B. 32 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PRESIDENTIAL ELECTORS WHO REFUSE OR FAIL TO VOTE FOR THE CANDIDATES OF THE PARTY WHICH NOMINATED THAT ELECTOR, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 7694, which changes the title to read **H.B. 32** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS, is adopted and engrossed.

Upon motion of Senator Miller, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

Upon motion of Senator Miller, Rule 67 is suspended to allow Tina M. Kirby, Court Reporter, onto the Senate floor.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 917 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%.

Upon motion of Senator Lucas, the President orders the Conference Report temporarily displaced.

H.B. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL

STATUTES AND SESSION LAWS.

Upon motion of Senator Clodfelter, the President orders the Senate Committee Substitute bill temporarily displaced.

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

Senator Clodfelter offers Amendment No. 1 which is adopted (38-0).

The Chair grants a leave of absence for today's session to Senator Rucho.

The Senate recesses at 12:00 Noon to reconvene at 12:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

CALENDAR (*continued*)

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

Upon motion of Senator Rand, the Senate Committee Substitute bill, as amended, is withdrawn from today's Calendar and re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 32 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (30-13) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 1:00 P.M. to reconvene at 1:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

H.B. 917 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, temporarily displaced earlier, Conference Report, for adoption, upon second reading.

Upon motion of Senator Gulley, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Gulley, Hagan, Harris, Hartsell, Horton, Kerr, Kinnaird, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—36.

Voting in the negative: None.

The Conference Report remains on the Calendar for tomorrow, Wednesday, December 5, for adoption, upon third reading.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 1284 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; AND TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES, with an unfavorable report as to Senate Committee Substitute, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 3962, which changes the title to read **H.B. 1284** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO MODIFY THE COST-SHARING REQUIREMENTS UNDER THE STATE EMPLOYEES HEALTH CARE PLAN AND TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION, is adopted and engrossed.

Upon motion of Senator Kerr, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today's Calendar.

CALENDAR (*continued*)

S.B. 1038 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 969 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, Conference Report, for adoption, upon second reading.

Upon motion of Senator Swindell, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 32, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carrington, Carter, Cunningham, Dalton, Dannelly, Gulley, Hagan, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—32.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Forrester, Foxx, Harris, Moore and Webster—10.

The Conference Report remains on the Calendar for tomorrow, Wednesday, December 5, for adoption, upon third reading.

S.B. 1014 (Conference Report), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, Conference Report, for adoption.

Upon motion of Senator Albertson, the Senate adopts the Conference Report (44-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

Upon the appearance of Senator Rucho in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, temporarily displaced earlier.

Senator Clodfelter offers Amendment No. 1 which is adopted (44-0).

Senator Clodfelter offers Amendment No. 2 which is adopted (43-0).

Senator Rand offers Amendment No. 3 which is adopted (43-0).

Senator Robinson offers Amendment No. 4 which is adopted (43-0).

Senator Lee offers Amendment No. 5 which is adopted (44-1).

Senator Gulley offers Amendment No. 6 which is adopted (45-0).

Senator Foxx offers Amendment No. 7 which is adopted (45-0).

Senator Reeves offers Amendment No. 8 which is adopted (43-2).

Senator Cunningham offers Amendment No. 9 which is adopted (43-2).

Senator Rand offers Amendment No. 10 which is adopted (45-0).

Senator Shaw of Guilford offers Amendment No. 11 which is temporarily displaced.

Senator Rand offers Amendment No. 12 which is adopted (45-0).

Senator Metcalf offers Amendment No. 13 which is adopted (44-0).

Senator Berger offers Amendment No 14.

Senator Lucas offers a motion that Amendment No. 14 lie upon the table, seconded by Senator Kinnaird.

The motion to table Amendment No. 14 prevails (27-17) and Amendment No. 14 lies upon the table.

Senator Miller offers Amendment No. 15 which is adopted (43-1).

Senator Harris offers Amendment No. 16 which is temporarily displaced.

The President orders HB 338, as amended, temporarily displaced.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 990 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL, submits for adoption the following report:

To: The President of the Senate

The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 990, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL, House Committee Substitute No. 2 Favorable 11/14/01, Fifth Edition Engrossed 11/27/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute No. 2 Favorable 11/14/01, Fifth Edition Engrossed 11/27/01, and the Senate concurs in the House Committee Substitute as amended:

On page 1, lines 15-16. rewrite the lines to read:

"from a student as a result of the person's performance under the contract. This prohibition";

and on page 1, lines 24-26, and on page 2, lines 1-12, rewrite the lines to read:

"related to a student, including the student's name, birthdate, address, social security

number, individual purchasing behavior or preferences, parents' names, telephone number, or any other information or identification number that would provide information about a specific student.";

and on page 2, lines 19-41, and on page 3, lines 1-2, delete the lines;

and on page 3, line 22, rewrite the line to read:

"North Carolina, a community college, or a public hospital as defined in G.S. 159-39 and the records related to the planning and".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 4, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Tony Rand, Chair
S/ Walter Dalton
S/ Jeanne Lucas
S/ Howard Lee

S/ Alex Warner
S/ Donald A. Bonner
S/ Douglas Y. Yongue
S/ Maggie Jeffus
Sam Ellis

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the Conference Report is adopted (42-2).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR *(continued)*

H.B. 1284 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO MODIFY THE COST-SHARING REQUIREMENTS UNDER THE STATE EMPLOYEES HEALTH CARE PLAN AND TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION, placed earlier on today's Calendar.

The Senate Committee Substitute bill No. 2 passes its second (43-2) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, as amended, temporarily displaced earlier.

Senator Metcalf offers Amendment No. 17 which is adopted (45-0).
The President orders HB 338, as amended, temporarily displaced.

The Senate recesses at 3:15 P.M. to reconvene at 4:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Albertson.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 470 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 470, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS, House Committee Substitute # 2 Favorable 8/30/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Committee Substitute # 2 Favorable 8/30/01, and the Senate concurs in the House Committee Substitute as amended:

on page 4, line 37, through page 5, line 31, by deleting those lines;

on page 5, lines 32 and 33, by rewriting the lines to read:

"**SECTION 2.** G.S. 20-305(30) reads as rewritten:";

on page 7, lines 14 through 26, by rewriting the lines to read:

"In the event that ~~at the time of the ratification of this act as of October 1, 1999,~~ a manufacturer ~~is currently~~ was operating a program that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, or ~~has had~~ in effect a documented policy that had been conveyed to its franchised dealers in this State and that varied the price charged to its franchised dealers in this State in a manner which ~~that~~ would violate this ~~subdivision after October 1, 1999,~~ subdivision, it shall be lawful for that program or policy, including amendments to that program or policy that are consistent with the purpose and provisions of the existing program or policy, or a program or policy similar thereto implemented after ~~the effective date of this act, October 1, 1999,~~ to continue in effect as to the manufacturer's franchised dealers located in this State until June 30, 2006.

In the event that as of June 30, 2001, a manufacturer was operating a program that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, or had in effect a documented policy that had been conveyed to its franchised dealers in this State and that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, and the program or policy was implemented in this State subsequent to October 1, 1999, and prior to June 30, 2001, and provided that the program or policy is in compliance with this subdivision as it existed as of June 30, 2001, it shall be lawful for that program or policy, including amendments to that program or policy that comply with this subdivision as it existed as of June 30, 2001, to continue in effect as to the manufacturer's franchised dealers located in this State until June 30, 2006.

Any manufacturer shall be required to pay or otherwise compensate any franchise dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy.";

and on page 10, lines 38 through 41, by rewriting those lines to read:

"**SECTION 8.** This act is effective when it becomes law and applies to causes of action arising on or after that date."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 4, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ David Hoyle, Chair
S/ Fletcher Hartsell, Jr.
S/ Albin B. Swindell, IV
S/ Howard N. Lee

S/ Joe Hackney
S/ Ronnie N. Sutton
S/ Martin Nesbitt
S/ Martha B. Alexander

December 4, 2001

S/ Cal Cunningham

S/ Wilma M. Sherrill
S/ William C. Owens, Jr.
S/ Philip A. Baddour

Upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Upon further motion by Senator Hoyle, the Conference Report is temporarily displaced.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
December 4, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on House Committee Substitute No. 2 for S.B. 1014, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 1014 earlier today, the President orders the bill enrolled and sent to the Governor.

House of Representatives
December 4, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on Senate Committee Substitute for H.B. 1195, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
December 4, 2001

December 4, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on Senate Committee Substitute for HB 948, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

CALENDAR

H.B. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, as amended, temporarily displaced earlier.

Senator Shaw of Guilford offers Amendment No. 18 as a Substitute Amendment for Amendment No. 11.

Amendment No. 18 is adopted (38-1).

Senator Horton offers Amendment No. 19 as a Substitute Amendment for Amendment No. 16.

Amendment No. 19 is adopted (25-16).

The Senate Committee Substitute bill, as amended, passes its second reading (31-12).

Senator Metcalf offers Amendment No. 20 which is adopted (26-15).

The Senate Committee Substitute bill, as amended, passes its third reading (30-12) and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL OF CONFERENCE REPORT

S.B. 470 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS, placed on the Calendar earlier today and temporarily displaced.

With unanimous consent, upon motion of Senator Hoyle, the Conference Report is withdrawn from today's Calendar and is re-referred to the Conference Committee.

DISMISSAL OF CONFEREES

S.B. 721 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE.

Senator Basnight announces that the conferees appointed on November 28 to resolve the differences between the Senate and the House are dismissed.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECONSIDERATION

S.B. 721 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE.

Having voted with the majority, Senator Purcell offers a motion that the vote by which the Senate failed to concur in House Committee Substitute bill No. 2 on November 28 be reconsidered, which motion prevails (42-1).

The question before the Body becomes concurrence in House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (40-2) and bill is ordered enrolled and sent to the Governor.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 348 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, House Committee Substitute Favorable 10/23/01, Fourth Edition Engrossed 11/14/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute Favorable 10/23/01, Fourth Edition Engrossed 11/14/01, and the Senate concurs in the House Committee Substitute, Fourth Edition Engrossed 11/14/01 as amended:

On page 1, lines 24 and 25, by rewriting those lines to read:
"may not be levied earlier than January 1, 2002. The levy, collections, administration, use, and"

And on page 2, line 35, by deleting the phrase "cents (3¢)" and substituting the phrase "percent (3%)";

And on page 5, lines 4 through 7, by rewriting those lines to read:
"(5) One member of the public who is not affiliated with travel and tourism and who reflects the cultural diversity of the county."

And on page 5, line 25 through page 6, line 28, by rewriting those lines to read:
"SECTION 2. G.S. 153A-155(g), as amended by S.L. 2001-162, S.L. 2001-305, S.L. 2001-321, S.L. 2001-381, S.L. 2001-434, S.L. 2001-439, and S.L. 2001-468, reads as rewritten:

(g) This section applies only to Anson, ~~Avery~~, Brunswick, Buncombe, Cabarrus, Carteret, Craven, Cumberland, Currituck, Dare, Davie, Granville, Madison, Montgomery, Nash, Pender, Person, Randolph, Richmond, Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, and to the Township of Averasboro in Harnett County."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 4, 2001.

Conferees for the Senate

S/ Tony Rand
 S/ John Carrington
 S/ Stephen Metcalf
 Larry Shaw
 S/ Aaron W. Plyler

Conferees for the House of Representatives

S/ Bill Hurley
 S/ Marvin W. Lucas
 S/ Alex Warner
 Mary McAllister
 S/ Mia Morris

The Conference Report is placed on the Calendar for Wednesday, December 5, for adoption, upon second reading.

Upon motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns subject to receipt of messages from the House of Representatives, conference reports, committee reports and appointments of conferees, to meet tomorrow, Wednesday, December 5, at 9:00 A.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
 December 4, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the December 4, 2001

House fails to concur in the Senate Committee Substitute for H.B. 623, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE BUILDING COMMISSION TO AUTHORIZE ALTERNATIVE CONTRACTING METHODS FOR PUBLIC CONTRACTS BY A MAJORITY VOTE OF ITS MEMBERS, and requests conferees.

The Speaker appoints:

Representative McMahan,
Representative Gibson,
Representative Allen,
Representative Hackney, and
Representative Cunningham

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
December 4, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has dismissed the conferees on H.B. 382 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA. The House has concurred in the Senate Committee Substitute and the bill has been ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 470 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT

December 4, 2001

DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 470, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS, House Committee Substitute No. 2 Favorable 8/30/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Committee Substitute No. 2 Favorable 8/30/01, and the Senate concurs in the House Committee Substitute as amended:

on page 4, line 37, through page 5, line 31, by deleting those lines;

on page 5, lines 32 and 33, by rewriting the lines to read:

"**SECTION 2.** G.S. 20-305(30) reads as rewritten:";

on page 7, lines 14 through 26, by rewriting the lines to read:

"In the event that ~~at the time of the ratification of this act~~ as of October 1, 1999, a manufacturer ~~is currently~~ was operating a program that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, or has had in effect a documented policy that had been conveyed to its franchised dealers in this State and that varied the price charged to its franchised dealers in this State in a manner which ~~that~~ that would violate this subdivision after October 1, 1999, subdivision, it shall be lawful for that program or policy, including amendments to that program or policy that are consistent with the purpose and provisions of the existing program or policy, or a program or policy similar thereto implemented after the effective date of this act, October 1, 1999, to continue in effect as to the manufacturer's franchised dealers located in this State until June 30, 2006.

In the event that as of June 30, 2001, a manufacturer was operating a program that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, or had in effect a documented policy that had been conveyed to its franchised dealers in this State and that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, and the program or policy was implemented in this State subsequent to October 1, 1999, and prior to June 30, 2001, and provided that the program or policy is in compliance with this subdivision as it existed as

of June 30, 2001, it shall be lawful for that program or policy, including amendments to that program or policy that comply with this subdivision as it existed as of June 30, 2001, to continue in effect as to the manufacturer's franchised dealers located in this State until June 30, 2006.

Any manufacturer shall be required to pay or otherwise compensate any franchise dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy.";

and on page 10, lines 38 through 41, by rewriting those lines to read:

"SECTION 8. This act is effective when it becomes law and applies to causes of action arising on or after that date."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 4, 2001.

Conferees for the Senate

S/ David W. Hoyle, Chair
S/ Fletcher L. Hartsell, Jr.
S/ Albin B. Swindell, IV
S/ Howard N. Lee
S/ Cal Cunningham

Conferees for the House of Representatives

S/ Joe Hackney
S/ Ronnie N. Sutton
S/ Martin L. Nesbitt
S/ Martha B. Alexander
S/ Wilma M. Sherrill
S/ William C. Owens, Jr.
S/ Phillip A. Baddour, Jr.

The Conference Report is placed on the Calendar for Wednesday, December 5, for adoption.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 623 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS GOVERNING THE PUBLIC CONSTRUCTION LAWS TO PROVIDE FOR EFFICIENCIES AND FLEXIBILITY IN BUILDING DESIGN, CONSTRUCTION, AND PLAN REVIEW, TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE.

Pursuant to the message from the House of Representatives received today that the House fails to concur in the Senate Committee Substitute for H.B. 623 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chairman; and Senator Ballance; Senator Ballantine; Senator Plyler; and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

December 4, 2001

House of Representatives
December 4, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute No. 2 for H.B. 1284, A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE FOR INTERVENTION FOR THE LIMITED PURPOSE OF ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1, and requests conferees.

The Speaker appoints:

Representative Weiss,
Representative Wright,
Representative Sherrill

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
December 4, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for H.B. 338, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, and requests conferees.

The Speaker appoints:

Representative Redwine,
Representative Baddour,
Representative Hackney,
Representative Culpepper,
Representative Oldham,
Representative Buchanan,
Representative Allen,
Representative Easterling,
Representative Thompson, and
Representative Wainwright

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

December 4, 2001

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Pursuant to the message from the House of Representatives received today that the House fails to concur in the Senate Committee Substitute for H.B. 338 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chairman; Senator Hartsell; Senator Hoyle; Senator Kerr; and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:02 P.M.

ONE HUNDRED SEVENTY-SECOND DAY

Senate Chamber
Wednesday, December 5, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, one day a father of a very wealthy family took his son on a trip to the country with the firm purpose of showing his son how poor people live. They spent a couple of days and nights on the farm of what would be considered a very poor family. On the return from their trip, the father asked the son, 'Did you see how poor people live?'

" 'Yes sir,' replied the boy.

" 'So what did you learn from the trip?' asked the father.

"The son said this, 'I saw that we have one dog and they had four. We have a pool that reaches to the middle of our garden and they have a creek that has no end. We have a small piece of land to live on and they have fields that go beyond our sight. We have servants who serve us, but they serve others. We buy our food, but they grow theirs. We have walls around our property to protect us, they have friends to protect them. Thanks, Dad, for showing me how poor we are.'

"I don't know when like moments of revelation have occurred for the men and women of the Senate during this session, but surely they have. May the knowledge they have gained at such times be used in behalf of the great diverse people they serve and to your glory. Amen."

The Chair grants leaves of absence for today to Senator Cunningham, Senator Garrou, Senator Gulley, Senator Jordan, Senator Martin of Pitt and Senator Odom.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, December 4, has been examined and is found to be correct. Upon his motion,

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the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 721, AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE.

S.B. 1014, AN ACT TO STRENGTHEN THE LITTERING LAWS.

S.B. 1038, AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

H.B. 72, AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE, AND TO CAP THE HIGHWAY USE TAX ON CERTAIN RECREATIONAL VEHICLES AT \$1,500 PER VEHICLE.

H.B. 382, AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA.

H.B. 748, AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES, TO TEMPORARILY MODIFY THE TAXATION OF HMOs AND MEDICAL SERVICE CORPORATIONS, AND TO CLARIFY THE SALES TAX EXEMPTION FOR PREPARED FOOD.

H.B. 948, AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS.

H.B. 1195, AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 865. AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW THE TOWNS OF ATLANTIC BEACH, EMERALD ISLE, AND HOLDEN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, TO MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF OAK ISLAND, AND TO PROVIDE ADDITIONAL PROCEDURES FOR STREET AND SIDEWALK ASSESSMENTS IN THE TOWN OF OCEAN ISLE BEACH. (Became law upon ratification, December 4, 2001–S.L. 2001-478.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 917 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%, Conference Report, for adoption, upon third reading.

Upon motion of Senator Gulley, the Senate adopts the Conference Report on its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garwood, Hagan, Harris, Hartsell, Hoyle, Kerr, Kinnaid, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Warren, Weinstein and Wellons—39.

Voting in the negative: None.

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

S.B. 348 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, Conference Report, for adoption, upon second reading.

The President rules that the Conference Report does not require a call of the roll upon adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (39-1).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 969 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR

VEHICLE SAFETY AND EMISSIONS INSPECTIONS, Conference Report, for adoption, upon third reading.

Upon motion of Senator Swindell, the Senate adopts the Conference Report on its third reading, by roll-call vote, ayes 27, noes 12, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carrington, Carter, Dalton, Dannelly, Hagan, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Warren, Weinstein and Wellons—27.

Voting in the negative: Senators Ballantine, Berger, Bingham, Carpenter, Forrester, Foxx, Garwood, Harris, Hartsell, Moore, Rucho and Webster—12.

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

S.B. 470 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS, Conference Report, for adoption.

Upon the appearance of Senator Gulley in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (40-0). The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

APPOINTMENT OF ADDITIONAL CONFEREE

H.B. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Horton as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1284 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN

RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO MODIFY THE COST-SHARING REQUIREMENTS UNDER THE STATE EMPLOYEES HEALTH CARE PLAN AND TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

Pursuant to the message from the House of Representatives received yesterday, Tuesday, December 4, that the House fails to concur in the Senate Committee Substitute bill No. 2 for HB 1284 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Rand, Chairman, and Senator Plyler and Senator Purcell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF A RESOLUTION

By Senator Rand:

S.J.R. 1109, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2001 GENERAL ASSEMBLY TO MEET IN 2002 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION.

Pursuant to Rule 43, the Joint Resolution is ordered held in the Office of the Senate Principal Clerk pending referral to committee.

WITHDRAWAL FROM COMMITTEE

H.J.R. 60, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GEORGE HENRY WHITE, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE ONE HUNDREDTH ANNIVERSARY OF HIS HISTORIC FAREWELL SPEECH IN THE UNITED STATES CONGRESS, referred to the **Rules and Operations of the Senate Committee** on March 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

The Senate recesses at 9:30 A.M. to reconvene at 11:00 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

Upon the appearance of Senator Garrou in the Chamber, the Chair acknowledges her presence and the leave of absence granted previously is withdrawn.

The Chair grants a leave of absence for the remainder of today's session to Senator Thomas.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
December 5, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for H.B. 917, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Upon the appearance of Senator Cunningham in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

WITHDRAWAL FROM COMMITTEE

H.B. 1060, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ENVIRONMENTAL REMEDIATION AND RESTORATION ACTIVITIES ARE NOT STATE CAPITAL IMPROVEMENT PROJECTS, re-referred to the **Judiciary I Committee** on November 19.

Pursuant to Rule 47(a), Senator Clodfelter offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

REPORTS OF COMMITTEES

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808

December 5, 2001

December 5, 2001

The President and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601-2808

Dear Madam President and Members of the Senate:

In compliance with the provisions of G.S. 135-6 requiring appointees to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System to be confirmed by the Senate, Governor Easley has submitted his appointees, Chancellor Allen Meadors, Ms. Joyce Elliott, Mr. Norwood Clark and the reappointment of Mr. Michael Dupree, for confirmation. Their terms are effective immediately upon confirmation. The terms of Chancellor Meadors, Ms. Elliott and Mr. Clark will expire June 30, 2005. Mr. Dupree's term will expire March 31, 2005.

The Senate Committee on Pensions & Retirement and Aging has considered the appointments and makes the following recommendation to the Senate:

That the appointment of Chancellor Allen Meadors, Ms. Joyce Elliott, and Mr. Norwood Clark to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring on June 30, 2005, be confirmed. That the reappointment of Mr. Michael Dupree to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring on March 31, 2005, be confirmed.

Respectfully submitted,
S/ Oscar N. Harris, Chair
Senate Pensions & Retirement
and Aging Committee

Upon motion of Senator Harris, the appointment of Allen Meadors, Joyce Elliott, and Norwood Clark, and the reappointment of Michael Dupree, to the Board of Trustees for the Teachers' and State Employees' Retirement System is confirmed (43-0).

Upon motion of Senator Lee, the Chair extends the privileges of the floor to Mrs. Wilma Cunningham, a North Carolina Author from Southern Pines.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
December 5, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute No. 2 for S.B. 470, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A

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MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 470 earlier today, the President orders the bill enrolled and sent to the Governor.

The Senate recesses at 11:45 A.M. to reconvene at 1:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 832, A BILL TO BE ENTITLED AN ACT RELATING TO A SMALL BUSINESS CONTRACTOR INITIATIVE, referred to the **Rules and Operations of the Senate Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

The Senate recesses at 1:05 P.M. to reconvene at 2:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Senate recesses at 2:00 P.M. to reconvene at 3:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly
December 5, 2001

Eaves Perdue, Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Carrington, Senator Dannelly and Senator Gulley.

Upon the appearance of Senator Thomas in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
December 5, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees for Senate Committee Substitute for H.B. 969, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
December 5, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has failed to adopt the report of the Conferees on House Committee Substitute No. 2 for S.B. 990, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL.

Respectfully,
S/ Denise Weeks
Principal Clerk

December 5, 2001

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1019, AN ACT TO AMEND THE LAWS GOVERNING THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, AND TO REQUIRE THAT ENVIRONMENTAL HEALTH SPECIALISTS BE COVERED UNDER THE STATE'S EXCESS LIABILITY INSURANCE POLICY.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 32, AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS.

H.B. 917, AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%.

The Chair grants a leave of absence for the remainder of today's session to Senator Moore.

CALENDAR *(continued)*

H.J.R. 60, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GEORGE HENRY WHITE, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE ONE HUNDREDTH ANNIVERSARY OF HIS HISTORIC FAREWELL SPEECH IN THE UNITED STATES CONGRESS, placed earlier on today's Calendar.

Upon motion of Senator Foxx, the remarks of the Senators are spread upon the Journal, as follows:

Senator Ballance:

"Thank you, Madame President, Members of the Senate. You have the resolution on your desk. I will not request that it be read in its entirety but I encourage you to look at it if you have not already done so and review it. It is historic. The purpose of this resolution at this time is that it is approaching the 100th year anniversary of the departure of George Henry White from the Congress of the United States following Reconstruction when he was the last African-American serving in the United States Congress at that time. I have with me and I want to share parts of this with you, *The Congressional Record*, dated January 29, 1901. George White was quite a distinguished young man. He was born in Bladen County and grew up and did what, Senator Wellons, some of us could have done, I suppose. He read law. He didn't go to law school, but he read under a lawyer in New Bern and was later licensed as an attorney in the State of North Carolina. He held numerous political offices, the most significant of which I just mentioned, his service in Congress. But prior to that he was a member of the North Carolina State House, he was a member of the North Carolina State Senate, he was an elected district attorney from New
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Bern, at that time in the Second District, for two terms and then ran for Congress. I don't usually say so many good words about fine Republicans but this young man was a fine member of the Republican Party of North Carolina and after several attempts to gain the floor of Congress, in January of 1901 his term was expiring in March and the Speaker finally recognized him, Senator Kerr, when they were debating an agricultural bill. Of course, he didn't particularly want to talk about agriculture but he said, 'Mr. Chairman, in the consideration of the bill now under debate, the committee on agriculture has had a wide and varied experience.' He talked a little bit about agriculture and then he said, he talked a little bit about the election. This might be of some interest to us, and I'm reading and bear with me. 'In the town where the young gentleman was born and the general election last August for the adoption of the constitutional amendment and the general election for state and county offices, Scotland Neck had a registered white vote of 395, most of whom were Democrats, and a registered colored vote of 534, virtually all of whom were Republicans, and so voted. When the count was announced, however, there were 831 Democrats to 75 Republicans. But in the town of Halifax, the same county, the result was much more pronounced. In that town the registered Republican vote was 345 and the total registered vote for the township was 539, but when the count was announced it stood 990 Democrats to 41 Republicans, or 492 more Democrats voted in those counties than were registered.' Congressman White, this speech probably took him two or three hours. I'm not going to give ya'll all that, but he was a scholar and he talked about a lot of things and then he came to this point in the speech, and please bear with me, 'I would like to advance the statement that the musty records of 1868 filed away in the archives of southern Capitols as to what the Negro was 32 years ago is not a proper standard by which the Negro living on the threshold of the 20th century should be measured.' Now remember we're about 35 years from slavery at this point. 'Since that time we have reduced the illiteracy rate at least forty-five percent. We have written and published nearly five hundred books.' Talking about African-Americans. 'We have nearly three hundred newspapers, three of which are dailys. We have now in practice over 2000 lawyers and a corresponding number of doctors. We have accumulated over \$12 million worth of school property and about \$40 million worth of church property. We have about 140,000 farms and homes valued in the neighborhood of \$750 million and personal property valued at about \$170 million. We operated successfully several banks, commercial enterprises among the people of the Southland including one sift mill and one cotton factory.' I'll pause at that point and move on to what will be my final remarks about this distinguished gentleman. 'Now, Mr. Chairman, before concluding my remarks, I want to submit a brief recipe for the solution of the so-called American Negro problem. He asks no special favors but simply demands that he be given the same chance for existence, for earning a living, for raising himself in the scales of manhood and womanhood that are accorded to kindred nationalities. Treat him as a man. Go into his home and learn of his social condition, learn of his cares, his troubles, and his hopes for the future, gain his confidence, open the doors of industry to him.' Etc. And then these are the remarks that most people know George White by. 'This, Mr. Chairman, is perhaps the Negroes' temporary farewell to the American Congress, but let me say Phoenix-like, he will rise up someday and come again. These parting words are in behalf of an outraged, heartbroken, bruised and bleeding but Godfearing people, faithful, industrious, loyal people, rising people, full of potential force. Mr. Chairman, in the trial of Lord Bacon when the court disturbed the council for the defendant, Sir Walter Raleigh raised himself up to his full height and addressing the court said, 'Sir, I am pleading for the life of a human being.' The only apology that I have to make for the earnestness with which I have spoken is that I am pleading for the life, the liberty, the future happiness and manhood suffrage of one-eighth of the entire population of the United States.' And in parentheses the clerk wrote, 'loud applause'. It was only about 27 years later that his prediction was fulfilled when Oscar

Duprese was elected in 1928 as the representative from Chicago, Illinois. Thank you for supporting this resolution."

Senator Kinnaird:

"I was very interested to read this, did not know this person, did not know this history. But I thought there was a very significant part of this which Senator Ballance did not point out, and that is he graduated from Howard in 1877. This is a period when illiteracy was, just a few short years after literacy was forbidden to black people at that time so I thought that was a very significant point about this. I'd also like to talk about two other things. First is that when he listed all of the enterprises and the endeavors that had resulted in businesses and banking and whatnot and land and churches, I refer any of you who have not seen it to an article on the loss of land by African-Americans in this last century and it is frightening. It was in the Durham paper. It's going to be a three part series and I hope that everybody will read it because the issue of reparations has come up and it is a contentious one. In fact, our University just had a debate there that was very controversial, but it's an interesting part of our consideration of our relationship to property ownership in this land. And finally, I'd like to say, as I said I'd never heard of this person before and his significant contributions, so I took the resolution and wrote a letter to Congressman Price because I have been collecting, since they've been issued, the Black Heritage Stamps. If you've never seen those they are issued each year to honor a person who has contributed greatly to our country, and I thought this would be a person who would be very appropriate for one of those Black Heritage Stamps, so I sent that to Congressman Price. I understand that the bureaucracy of the post office is even worse than the IRS and the Immigration Service but maybe it might be something that we might be interested in as a leader from North Carolina to be so honored. Thank you. I urge you to vote for the resolution."

Senator Basnight:

"Thank you, Madame President, Members of the Senate. I'm probably the only one here who has read the book, *George Henry White*. I picked it up one day at Quail Ridge Bookstore. Someone recommended it to me and Tony just fell in love with it and he's reading a different section of it. It is an incredible book. I recommend this book just as Tony recommended the one that I equally recommend, and that's *John Adams*. Not parallels from the era of time, development of a country, but a development of a life of people and understanding of the difficulties that George White went through and yet never found evil in anyone. I mean, in his trips to Washington, our Representatives went in different ways, much different than he did. And when he got to Washington what was Washington like. The simple little things that we take for granted today -- could he find a restroom? That was a difficulty, as simple as it may seem to you and me. A place to sleep, a place to eat, when others went certain places he couldn't go. He wasn't allowed to go, never to complain. All he asked was for a fair chance, an equal chance, a fair opportunity to succeed. What would he be today? What would George White be today with an equal opportunity, a fair chance? It's a fantastic book about the life of a great, great North Carolinian. I recommend the resolution to you."

The joint resolution passes its second reading (39-0) and third reading with members standing, and is ordered enrolled.

Upon the appearance of Senator Gully in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 914 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE- PRIME CONTRACTING, SINGLE- PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Clodfelter, the rules are suspended and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

Upon motion of Senator Clodfelter, the Senate fails to concur in the House Committee Substitute bill No. 2 (1-41).

Senator Clodfelter offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 914 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE- PRIME CONTRACTING, SINGLE- PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 earlier today and a motion by Senator Clodfelter to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chairman; Senator Ballance; Senator Ballantine; Senator Dalton; and Senator Plyler as conferees on the part of the Senate to resolve the differences arising

between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

The Senate recesses at 4:30 P.M. to reconvene at 7:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

The Chair grants a leave of absence for the remainder of today's session to Senator Warren.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 832, A BILL TO BE ENTITLED AN ACT RELATING TO A SMALL BUSINESS CONTRACTOR INITIATIVE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6781, which changes the title to read **S.B. 832** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL AGENCIES, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 470, AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 32, AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS. (Became law upon ratification, December 5, 2001–S.L. 2001-479.)

H.B. 917, AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, TO CONSOLIDATE DURHAM COUNTY'S OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE DURHAM COUNTY TO INCREASE ITS OCCUPANCY TAX FROM 5% TO 6%. (Became law upon ratification, December 5, 2001–S.L. 2001-480.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
December 5, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 2 for S.B. 914, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE- PRIME CONTRACTING, SINGLE- PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES, and requests conferees,

The Speaker appoints:

Representative Culpepper,
Representative Cunningham,
Representative McMahan,
Representative Oldham,
Representative Dockham,
Representative Yongue, and

Representative Morgan

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

The Senate recesses at 8:00 P.M. to reconvene at 9:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

The Chair grants leaves of absence for the remainder of today's session to Senator Berger, Senator Dalton, Senator Gulley and Senator Rucho.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 571 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, December 6.

S.B. 603 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TEMPORARILY EXPAND THE NAVASSA TOWN BOARD TO INCLUDE REPRESENTATION FROM THE AREA RECENTLY ANNEXED, TO AUTHORIZE THE TOWN OF CARY TO REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN, AND CONCERNING AIRPORT LEASES BY MONTGOMERY COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, December 6.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
December 5, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to H.B. 1144, A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION AND TO REDUCE THE NUMBER OF STUDENT AND STATE TEACHER OF THE YEAR ADVISORS TO THE STATE BOARD OF EDUCATION, and requests conferees.

The Speaker appoints:

Representative Yongue,
Representative Bonner,
Representative Rogers, and
Representative Morgan

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
December 5, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has reconsidered the vote by which the Conference Report for S.B. 990, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL, failed of adoption.

The House has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 990 on December 4, the President *Pro Tempore* orders the bill enrolled and sent to the Governor.

WITHDRAWAL FROM CALENDAR

S.B. 571 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND

December 5, 2001

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS, placed on the Calendar for tomorrow, Thursday, December 6, for concurrence in the House Committee Substitute bill.

Senator Rand offers a motion that the rules be suspended to the end that the House Committee Substitute bill be withdrawn from the Calendar for tomorrow, Thursday, December 6, and placed on today's Calendar, for concurrence in the House Committee Substitute bill, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the Calendar for tomorrow, Thursday, December 6 and places it on today's Calendar, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (33-2) and the measure is ordered enrolled and sent to the Governor.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1144 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF THE BOARD OF GOVERNORS.

Pursuant to the message from the House of Representatives received today that the House fails to concur in the Senate Committee Substitute for H.B. 1144 and requests conferees, Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Rand, Chairman; Senator Ballance; Senator Dalton; Senator Lee and Senator Garwood as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Ballance, seconded by Senator Horton, the Senate adjourns subject to receipt of messages from the House of Representatives and conference reports, to meet tomorrow, Thursday, December 6, at 9:00 A.M.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 914 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE - PRIME CONTRACTING, SINGLE - PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION

LAW CHANGES, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 914, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE - PRIME CONTRACTING, SINGLE - PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES, House Committee Substitute # 2 Favorable 12/3/01, Sixth Edition Engrossed 12/5/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Committee Substitute # 2 Favorable 12/3/01, Sixth Edition Engrossed 12/5/01, and the Senate concurs in the House Committee Substitute # 2 as amended:

on page 3, line 20, by rewriting the line to read:

"performance of the work. All bids shall be opened publicly, and once they are opened, shall be public records"; and

on page 10, lines 11 and 12, by rewriting the lines to read:

"building projects."; and

on page 10, lines 26 through 40, by rewriting the lines to read:

"businesses that it will use on the project and an affidavit listing the good faith efforts it has made pursuant to subsection (f) of this section and the total dollar value of the bid that will be performed by the minority businesses. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection. The apparent lowest responsible, responsive bidder shall also file the following:

(1) Within the time specified in the bid documents, either:

- a. An affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal. An affidavit under this sub-subdivision shall give rise to a presumption that the bidder has made the required good faith effort; or
- b. Documentation of its good faith effort to meet the goal. The documentation must include evidence of all good faith efforts that were

implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

- (2) Within 30 days after award of the contract, a list of all identified subcontractors that the contractor will use on the project.

Failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid."; and

on page 11, line 37, by rewriting the line to read:

"factors considered relevant by the Secretary. In establishing the point system, the Secretary may not require a contractor to earn more than fifty (50) points, and the Secretary must assign each of the efforts listed in subdivisions (1) through (10) of this subsection at least 10 points. The public entity may require that"; and

on page 13, line 10, by inserting the between words "subcontinent," and "Pacific" the word "or"; and

on page 13, line 27, by rewriting the line to read:

"(j) Except as provided in subsections (a), (g), (h) and (i) of this section, this section shall only apply to"; and

on page 20, lines 24 and 25, by rewriting the lines to read:

1. All State ~~buildings~~; buildings or buildings located on State lands, except those buildings over which a local building code inspection department has and exercises jurisdiction; and"; and

on page 21, line 17 by rewriting the line to read:

"31.11."

SECTION .8(e) G.S. 133-1.1(d) reads as rewritten:

"(d) On projects on which no registered architect or engineer is required pursuant to the provisions of this section, the governing board or awarding authority shall require a certificate of compliance with the State Building Code from the city or county inspector for the specific trade or trades involved or from a registered architect or engineer, except that the provisions of this subsection shall not apply ~~on to~~ projects where any of the following apply:

- (1) ~~wherein~~ The plans and specifications are approved by the Department of Administration, Division of State Construction, and the completed project is inspected by the Division of State Construction and the State Electrical Inspector, or on projects Inspector.
- (2) The project is exempt from the State Building Code.
- (3) The project has a total projected cost of less than \$100,000 and does not alter life safety systems."; and

on page 24, lines 35 and 36, by deleting the lines; and

on page 24, line 37, by deleting "(12)" and substituting "11"; and

on page 25, line 3, by deleting "(13)" and substituting "12"; and

on page 25, line 7, by deleting "(14)" and substituting "13"; and

on page 28, lines 4 through 6, by rewriting the lines to read:

"Department of Administration the sum of seven hundred seventy-one thousand two hundred sixty-four dollars (\$771,264) for the 2001-2002 fiscal year and the sum of seven hundred forty-eight thousand four hundred seventy-eight dollars (\$748,478) for the 2002-2003"; and

on page 28, line 12, by rewriting the line to read:

"State Construction Office \$232,800 \$349,810"; and

on page 28, line 19 and page 28, line 23, by deleting "8(d)" each time it appears and substituting "8(e)"; and

on page 28, line 26, by deleting "G.S. 143-135.26(12)" and substituting "G.S. 143-135.26 (11)".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 5, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Daniel G. Clodfelter, Chair

S/ Bill Culpepper, Chair

S/ Frank W. Ballance, Jr.

S/ W. Pete Cunningham

S/ Patrick J. Ballantine

S/ Jerry C. Dockham

Walter H. Dalton

S/ W. Edwin McMahan

S/ Aaron W. Plyler

Richard T. Morgan

S/ Warren C. Oldham

S/ Douglas Y. Yongue

The Conference Report is placed on the Calendar for tomorrow, Thursday, December 6, for adoption.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 10:15 P.M.

ONE HUNDRED SEVENTY-THIRD DAY

Senate Chamber

Thursday, December 6, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father who art in heaven, hallowed be thy name. Thy kingdom come. Thy will be done, on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation but deliver us from evil, for thine is the kingdom and the power and the glory. Forever, Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Dalton, Senator Dannelly, Senator Hagan, Senator Harris, Senator Martin of Pitt, Senator Miller, Senator Moore, Senator Odom, Senator Rucho, Senator Warren and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, December 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 571, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS.

S.B. 990, AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL.

H.B. 969, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS.

And the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 60, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GEORGE HENRY WHITE, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE ONE HUNDREDTH ANNIVERSARY OF HIS HISTORIC FAREWELL SPEECH IN THE UNITED STATES CONGRESS. (Res. 35)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 603 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TEMPORARILY EXPAND THE NAVASSA TOWN BOARD TO INCLUDE REPRESENTATION FROM THE AREA RECENTLY ANNEXED, TO AUTHORIZE THE TOWN OF CARY TO REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN, AND CONCERNING AIRPORT LEASES BY MONTGOMERY COUNTY, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (35-0) and the measure is ordered enrolled.

S.B. 832 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL AGENCIES.

Upon motion of Senator Rand, the Committee Substitute bill is temporarily displaced.

S.B. 914 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE- PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES, Conference Report, for adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (30-4).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

S.B. 832 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL AGENCIES, temporarily displaced earlier.

The Chair grants leaves of absence for the remainder of today's session to Senator Carpenter and Senator Forrester.

Senator Rand offers Amendment No. 1 which is adopted (30-0) and deletes the roll-call provision in the bill.

The Committee Substitute bill passes its second (31-2) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

WITHDRAWAL FROM CLERK'S OFFICE

S.J.R. 1109, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2001 GENERAL ASSEMBLY TO MEET IN 2002 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, ordered held in the Office of the Principal Clerk on Wednesday, December 5.

Upon motion of Senator Rand, the joint resolution is withdrawn from the Principal Clerk's Office and placed on the Calendar for immediate consideration.

Senator Rand offers Amendment No. 1 which is adopted (33-0).

The joint resolution passes its second (33-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1144 (Senate Committee

Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF THE BOARD OF GOVERNORS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1144, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF THE BOARD OF GOVERNORS, Senate Education/Higher Education Committee Substitute Adopted 10/4/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Education/Higher Education Committee Substitute Adopted 10/4/01 and the House concurs in the Senate Education/Higher Education Committee Substitute Adopted 10/4/01 as amended:

On page 1, lines 4 and 5
by rewriting those lines to read:
"UNIVERSITY OF NORTH CAROLINA."; and

on page 2, line 40,
by deleting the word "sexual," and substituting the word "gender,"; and

on page 2, line 41 through page 3, line 31,
by deleting those lines; and

on page 3, line 32
by deleting the numeral "4" on that line and substituting the numeral "3".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Anthony E. Rand, Chair
S/ Frank W. Ballance, Jr.
Walter H. Dalton
S/ Howard N. Lee
S/ John A. Garwood

S/ Douglas Y. Yongue
S/ Donald A. Bonner
S/ R. Eugene Rogers
S/ Richard T. Morgan

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the Conference Report is adopted (33-0).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

December 6, 2001

The Senate recesses at 10:47 A.M. to reconvene at 1:00 P.M. subject to receipt of messages from the House of Representatives and conference reports.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Garwood.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
December 6, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on House Committee Substitute for S.B. 348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 348 on December 5, the President orders the bill enrolled.

CONFERENCE REPORT

Senator Plyler, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 231 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 231, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001, Senate Appropriations/Base Budget Committee Substitute Adopted 9/27/01, submit the following report:

December 6, 2001

The House and Senate agree to the following amendment to the Senate Committee Substitute, Sixth Edition Adopted 9/27/01, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute H231-PCCS8280-LT-5

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

Conferees for the Senate

S/ Aaron W. Plyler, Chair
T. LaFontine Odom
S/ Howard N. Lee
S/ Tony Rand
S/ Frank W. Ballance, Jr.

Conferees for the House of Representatives

S/ David Redwine
S/ Ruth M. Easterling
S/ Gregory J. Thompson
S/ Warren C. Oldham

The text of the attached Proposed Conference Committee Substitute H231-PCCS8280-LT-5 is as follows:

A BILL TO BE ENTITLED
AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT
OF 2001 AND FOR OTHER PURPOSES.
The General Assembly of North Carolina enacts:

TECHNICAL CORRECTIONS TO THE HEALTH AND HUMAN SERVICES PROVISIONS.

SECTION 1.(a) Section 5.1(t) of S.L. 2001-424 reads as rewritten:

"**SECTION 5.1.(t)** The sum of one million five hundred thousand dollars (\$1,500,000) appropriated in this section in the Mental Health Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal ~~year and year~~, the sum of seven hundred thousand dollars (\$700,000) appropriated in this section in the Substance Abuse Prevention and Treatment Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal ~~year~~ year, and the sum of seven hundred fifty thousand dollars (\$750,000) appropriated in this section in the Social Services Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year shall be used to continue a Comprehensive Treatment Services Program in accordance with Section 21.60 of this act."

SECTION 1.(b) G.S. 143-26, as amended by Section 6.7 of S.L. 2001-424, reads as rewritten:

"§ 143-26. **Director to have discretion as to manner of paying annual appropriations.**

(a) Except as provided in subsection (b) of this section or as otherwise provided by State or federal law, it shall be discretionary with the Director of the Budget whether any annual appropriation shall be paid in monthly, quarterly or semiannual installments or in a single payment.

(b) Except as otherwise provided by State or federal law, an annual appropriation of

one hundred thousand dollars (\$100,000) or less to or for the use of a nonprofit corporation shall be paid in a single annual payment. An annual appropriation of more than one hundred thousand dollars (\$100,000) to or for the use of a nonprofit corporation shall be paid in quarterly or monthly installments, in the discretion of the Director of the Budget."

SECTION 1.(c) The "Requested by" text of Section 5.1 of S.L. 2001-424 is rewritten to read:

"Requested by: Senators Martin of Guilford, Dannelly, Metcalf, Purcell, Wellons, Plyler, Odom, Lee; Representatives Earle, Nye, Baddour, Esposito, Easterling, Oldham, Redwine, Thompson".

SECTION 1.(d) The "Requested by" text of Section 21.58 of S.L. 2001-424 is rewritten to read:

"Requested by: Senators Martin of Guilford, Dannelly, Metcalf, Purcell, Wellons, Plyler, Odom, Lee; Representatives Earle, Nye, Baddour, Esposito, Insko, Alexander, Easterling, Oldham, Redwine, Thompson".

SECTION 1.(e) The MENTAL HEALTH SERVICES BLOCK GRANT section of Section 5.1 of S.L. 2001-424 is amended by deleting "Establish Child Residential Treatment Services Program" and substituting "Comprehensive Treatment Services Program".

SECTION 1.(f) The SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT section of Section 5.1 of S.L. 2001-424 is amended by deleting "Child Residential Treatment Services Program" and substituting "Comprehensive Treatment Services Program".

SECTION 1.(g) The "Requested by" text of Section 21.76B of S.L. 2001-424 is rewritten to read:

"Requested by: Senators Martin of Guilford, Dannelly, Metcalf, Purcell, Wellons, Plyler, Odom, Lee; Representatives Earle, Nye, Baddour, Easterling, Oldham, Redwine, Thompson".

SECTION 1.(h) S.L. 2001-424 is amended by adding the following new section to read:

"Requested by: Senators Martin of Guilford, Plyler, Odom, Lee; Representatives Earle, Nye, Easterling, Oldham, Redwine, Thompson

TECHNICAL CORRECTION TO POSITION NUMBERS FOR CERTAIN POSITION REDUCTIONS IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

SECTION 6.21. The following positions and position numbers for position reductions in the Department of Health and Human Services, as provided in the Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets, September 19, 2001, are amended as follows: In the Division of Central Administration, delete "4410-1420-1103-122" (Personnel Technician III) and substitute "4401-1420-1103-122"; and delete "Artist Illustrator II 4410-0106-0200-517" and substitute "Artist Illustrator III 4410-0106-0200-515"; and delete "4410-0106-0300-521" the second time it appears; and delete "Printing Equipment Operator II 4410-0106-0155-032" and substitute "Printing Equipment Operator III 4410-0106-0155-029"; and in the Division of Child Development, delete "4420-1123-0001-161" (Deputy Director) and substitute "4420-1110-0001-161"; and delete "4420-1117-0001-108" (Policy/Planning Con.) and substitute "4420-1172-0001-108"; and delete "4420-1141-0001-153" (SS Program Coordinator) and substitute "4420-1146-0001-153"; and delete "4420-1141-0001-1322" (SS Program Coordinator) and substitute "4420-1146-0001-322"; and delete "4420-1141-0001-1598" (CDC Program Specialist) and substitute "4420-1154-0001-598"; and in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, delete "4460-0000-2000-814" (Primary Care Systems Associate) and substitute "4460-8010-2000-814";

and delete "4460-6020-2000-614" (Social Worker II) and substitute "4460-6020-0000-614"; and in the Division of Medical Assistance, delete "445-0000-0009-177" (Processing Assistant V) and substitute "4445-0000-0009-177"; and delete "4445-0000-006-420" (SS Program Administrator) and substitute "4445-0000-0006-420"; and delete "Comp. Consult. II 4445-0000-009-145" and substitute "App. Analyst Prog. I 4445-0000-0009-145"; and in the Division of Early Intervention and Education, delete "1132-5255-0032-449" (Audiologist) and substitute "4432-5255-0032-449"; and in the Division of Public Health, insert "4431-0000-0055-221" (Deputy Director)."

SECTION 1.(i) Section 21.56 of S.L. 2001-424 reads as rewritten:

"SECTION 21.56. To ensure uniformity in rates charged to area programs and funded with State-allocated resources, the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services may require a private agency that provides services under contract with two or more area programs, except for hospital services that have an established Medicaid rate, to complete an agency-wide uniform cost finding in accordance with G.S. 122C-143.2(a) and G.S. 122C-147.2. ~~finding.~~ The resulting cost shall be the maximum included for the private agency in the contracting area program's unit cost finding."

SECTION 1.(j) The heading to Section 21.24 of S.L. 2001-424 is rewritten to read:

"MEDICAID COST-CONTAINMENT AND GROWTH REDUCTION".

SECTION 1.(k) The heading to Section 21.53 of S.L. 2001-424 is rewritten to read:

"CHILD SUPPORT PROGRAM/ENHANCED STANDARDS".

SECTION 1.(l) The heading to Section 21.59 of S.L. 2001-424 is rewritten to read:

"NONMEDICAID REIMBURSEMENT".

SECTION 1.(m) Section 21.29(a) of S.L. 2001-424 is amended by deleting "June 30, 2001," and substituting "~~June 30, 2001,~~ June 30, 2002,".

REVISIONS TO SPONSORS NAMES.

SECTION 2. The "Requested by" texts for Sections 30.5, 31.5, 31.6, 31.7, 31.10, and 31.12 of S.L. 2001-424 are rewritten to read:

"Requested by: Senators Dalton, Lucas, Garrou, Plyler, Odom, Lee; Representatives Boyd-McIntyre, Rogers, Yongue, Easterling, Oldham, Redwine, Thompson".

SECTION 3. The "Requested by" text of Section 31.8 of S.L. 2001-424 is rewritten to read:

"Requested by: Senators Plyler, Odom, Lee; Representatives Easterling, Oldham, Redwine, Thompson".

OTHER TECHNICAL CORRECTIONS.

SECTION 4. Section 14D.3 of S.L. 2001-424 reads as rewritten:

"SECTION 14D.3. The Department of Revenue may ~~used~~ use up to two hundred thirty thousand one hundred sixty dollars (\$230,160) in lapsed salary funds for the 2001-2002 fiscal year to hire temporary personnel to implement the change in the State sales tax rate effective October 16, 2001, as enacted by this act. In addition, the Department of Revenue may draw up to two hundred thirty thousand dollars (\$230,000) from collections under Article 5 of Chapter 105 of the General Statutes for the 2001-2002 fiscal year to pay for printing, mailing, and other one-time costs necessary to implement the changes in the State sales tax effective October 16, 2001, as enacted by this act."

SECTION 5. Section 24.11 of S.L. 2001-424 reads as rewritten:

"**SECTION 24.11.** Of the funds appropriated in this act for the 2001-2003 biennium, the Department of Juvenile Justice and Delinquency Prevention may use up to three hundred fifty-one thousand two hundred thirty-three dollars (\$351,233) each year of the biennium in available funds to increase the number of juveniles who can be served under the contract with Eckerd Wilderness Camp."

SECTION 6. Section 31.12(d) and Section 30.15A of S.L. 2001-424 are repealed.

SECTION 7. Section 30.5(i) of S.L. 2001-424, is amended by adding a quotation mark immediately before "d5".

SECTION 8. Section 6.11(d) of S.L. 2001-424 reads as rewritten:

"**SECTION 6.11.(d)** The Office of State Budget and Management shall report on the strategic plan developed pursuant to this section to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Information Technology, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division by ~~October 1, 2001~~ January 1, 2002."

SECTION 9. S.L. 2001-424 is amended by adding the following new section to read:

"Requested by: Senators Jordan, Ballance, Rand, Clodfelter, Plyler, Odom, Lee; Representatives Culpepper, Haire, Justus, Luebke, Easterling, Oldham, Redwine, Thompson

POSITIONS FOR TRAFFIC LAW ENFORCEMENT STATISTICS

SECTION 23.12. The Department of Justice may use funds appropriated to the Department for the 2001-2003 biennium to create up to three full-time permanent positions to implement the collection of traffic law enforcement information by certain local law enforcement agencies, as required under G.S. 114-10(2a) as amended by Section 23.7(a) of this act."

DOBBS CENTER FUNDS

SECTION 10. Notwithstanding Chapter 146 of the General Statutes and any other provision of law, the net proceeds derived from the sale of right-of-ways and associated easements from the Department of Juvenile Justice and Delinquency Prevention to the Department of Transportation in the amount of one hundred seventy-two thousand fifty dollars (\$172,050) shall be deposited with the State Treasurer in a capital improvement and repair and renovation account to the credit of the Department of Juvenile Justice and Delinquency Prevention. The Department shall use the funds to construct a maintenance and storage facility at Dobbs Youth Development Center.

CRIMINAL JUSTICE PARTNERSHIP

SECTION 11. Subsection (b) of Section 25.16 of S.L. 2001-424 reads as rewritten:

"**SECTION 25.16.(b)** Notwithstanding the provisions of ~~G.S. 143B-273.5, the sum of one million dollars (\$1,000,000) of the unexpended cash balance of the State County Criminal Justice Partnership Account shall revert to the General Fund on June 30, 2002, and the sum of one million dollars (\$1,000,000) of the unexpended cash balance of the State County Criminal Justice Partnership Account shall revert to the General Fund on June 30, 2003.~~ G.S. 143B-273.15 specifying that grants to participating counties are for the full fiscal year and that unobligated funds are returned to the State-County Criminal

Justice Partnership Account at the end of the grant period, the Department of Correction may reallocate unspent or unclaimed funds distributed to counties participating in the State-County Criminal Justice Partnership Program in an effort to maintain the level of services realized in previous fiscal years."

CLARIFY COMMUNITY COLLEGE GENERIC FEE

SECTION 12.(a) The State Board of Community Colleges may adopt temporary rules clarifying the provisions of 23NCAC2(D).0201(c)(1) and (c)(2) pertaining to the definition of generic fees and specific fees charged to students attending community colleges.

SECTION 12.(b) This section becomes effective when this act becomes law and expires six months after that date.

ECONOMIC DEVELOPMENT BOARD MEMBERSHIP

SECTION 13. G.S. 143B-434(b) reads as rewritten:

"(b) Membership. – The Economic Development Board shall consist of ~~36~~³⁷ members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. The Secretary of Revenue shall serve as an ex officio, nonvoting member. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, four members of the Senate appointed by the President Pro Tempore of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining 23 members of the Board, provided that effective with the terms beginning July 1, 1997, one of those appointees shall be a representative of a nonprofit organization involved in economic development and two of those appointees shall be county economic development representatives. The Governor shall designate a chair and a vice-chair from among the members of the Board. Appointments to the Board made by the Governor for terms beginning July 1, 1997, and appointments to the Board made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993, should reflect the ethnic and gender diversity of the State as nearly as practical.

The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial appointments made by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term of four years.

The appointing officer shall make a replacement appointment to serve for the unexpired term in the case of a vacancy.

The members of the Economic Development Board shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and agencies generally pursuant to G.S. 138-5 and ~~G.S.~~^{G.S.} 138-6, as the case may be. The members of the Economic Development Board who are members of the General Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1."

DELINQUENT TAX ENFORCEMENT

SECTION 14. As enacted by S.L. 2001-464, G.S. 161-31(b) reads as rewritten:

"(b) Applicability. – This section applies only to Alleghany, Anson, Beaufort, Cabarrus, Camden, Carteret, Cherokee, Chowan, Cleveland, Currituck, Davidson, Forsyth,

Gaston, Graham, Granville, Harnett, Haywood, Iredell, Jackson, Lee, Madison, Martin, Montgomery, Pasquotank, Perquimans, Person, Pitt, Rockingham, Rowan, Stanly, Swain, Vance, Warren, Washington, and Yadkin Counties."

DISPOSITION OF TAX PROCEEDS

SECTION 15. G.S. 105-187.9, as amended by S.L. 2001-424, reads as rewritten:

"§ 105-187.9. Disposition of tax proceeds.

(a) Distribution. – Taxes collected under this Article at the rate of eight percent (8%) shall be credited to the General Fund. Taxes collected under this Article at the rate of three percent (3%) shall be credited to the North Carolina Highway Trust Fund.

(b) Transfer. – In each fiscal year the State Treasurer shall transfer the amounts provided below from the taxes deposited in the Trust Fund to the General Fund. The transfer of funds authorized by this section may be made by transferring one-fourth of the amount at the end of each quarter in the fiscal year or by transferring the full amount annually on July 1 of each fiscal year, subject to the availability of revenue.

(1) The sum of one hundred seventy million dollars (\$170,000,000).

(2) In addition to the amount transferred under subdivision (1) of this subsection, in the 2001-2002 fiscal year, the sum of one million seven hundred thousand dollars (\$1,700,000) shall be transferred in the 2001-2002 fiscal year. The amount distributed under this subdivision shall increase in the 2002-2003 fiscal year, year to the sum of two million four hundred thousand dollars (\$2,400,000). In each fiscal year thereafter, the sum transferred under this subdivision shall be the amount distributed in the previous fiscal year plus or minus a percentage of this sum equal to the percentage by which tax collections under this Article increased or decreased for the most recent 12-month period for which data are available."

JOURNAL PUBLICATION CHANGE

SECTION 16.(a) G.S. 147-45 reads as rewritten:

"§ 147-45. Distribution of copies of State publications.

The Secretary of State shall, at the State's expense, as soon as possible after publication, provide such number of copies of the Session Laws and Senate and House Journals to federal, State, and local governmental officials, departments and agencies, and to educational institutions of instruction and exchange use, as is ~~set out in the table below:~~ determined by the Legislative Services Commission in consultation with the Principal Clerks of the House of Representatives and the Senate. These publications shall be made available in hardbound and electronic format. Each agency or institution entitled to more than one copy shall receive only one of the copies in hardbound format with the remainder in electronic format, unless that agency or institution requests additional hardbound copies from the Secretary of State by August 1 of the calendar year. The Legislative Services Commission, in consultation with the Principal Clerks of the House of Representatives and the Senate, shall determine each year the total number of bound volumes of each publication to be printed and the total number of the electronic copies of each publication to be produced.

<u>Agency or Institution</u>	<u>Session Laws</u>	<u>Assembly Journals</u>
Governor, Office of the	3	2
Lieutenant Governor, Office of the	1	1
Secretary of State, Department of the	3	3

Auditor, Department of the State	3	1
Treasurer, Department of the State	3	1
Local Government Commission	2	0
State Board of Education	1	0
Department of Public Instruction	3	1
Controller	1	0
Technical Assistance Centers	1 ea.	0
Department of Community Colleges	3	1
Justice, Department of		
Office of the Attorney General	25	3
Budget Bureau (Administration)	1	0
Property Control (Administration)	1	1
State Bureau of Investigation	1	0
Agriculture and Consumer Services, Department of	3	1
Labor, Department of	5	1
Insurance, Department of	5	1
Administration, Department of	1	1
Budget Bureau	2	1
Controller	1	0
Property Control	1	0
Purchase and Contract	2	0
Policy and Development	1	0
Veterans Affairs Commission	1	0
Environment and Natural Resources, Department of	6	0
Wildlife Resources Commission	2	0
Revenue, Department of	5	1
Health and Human Services, Department of	6	0
Mental Health, Developmental Disabilities, —and Substance Abuse Services, —Division of	1	0
Social Services, Division of	3	0
Facilities Services, Division of	1	0
Hospitals and Institutions	1 ea.	0
Juvenile Justice and Delinquency Prevention, Department of	3	0
Transportation, Department of	1	0
Board of Transportation	3	0
Motor Vehicles, Division of	1	0
Commerce, Department of	1	0
Economic Development, Division of	2	0
State Ports Authority	1	0
Alcoholic Beverage Control Commission, —North Carolina	2	0
Banking Commission	2	0
Utilities Commission	8	1
Industrial Commission	7	0
Labor Force Development Council	1	0
Milk Commission	5	0
Employment Security Commission	1	1
Correction, Department of	1	0

Department of Correction	2	0
Parole Commission	2	0
State Prison	1	0
Correctional Institutions	1 ea.	0
Cultural Resources, Department of	1	0
Archives and History, Division of	5	1
State Library	5	5
Publications Division	1	1
Crime Control and Public Safety, Department of	2	1
North Carolina Crime Commission	1	0
Adjutant General	2	0
Elections, State Board of	2	0
Office of Administrative Hearings	2	0
State Personnel Commission	1	0
Office of State Personnel	1	1
Legislative Branch		
State Senators	1 ea.	1 ea.
State Representatives	1 ea.	1 ea.
Principal Clerk—Senate	1	1
Principal Clerk—House	1	1
Reading Clerk—Senate	1	1
Reading Clerk—House	1	1
Sergeant at Arms—House	1	1
Sergeant at Arms—Senate	1	1
Enrolling Clerk	1	0
Engrossing Clerk	1	0
Indexer of the Laws	1	0
Legislative Building Library	35	15
Judicial System		
Justices of the Supreme Court	1 ea.	1 ea.
Judges of the Court of Appeals	1 ea.	1 ea.
Judges of the Superior Court	1 ea.—	0
Emergency and Special Judges of the Superior Court	1 ea.—	0
District Court Judges	1 ea.	0
District Attorneys	1 ea.—	0
Clerk of the Supreme Court	1	1
Clerk of the Court of Appeals	1—	1
Administrative Office of the Courts	4—	1
Supreme Court Library	AS MANY AS REQUESTED	
Colleges and Universities		
The University of North Carolina System		
Administrative Offices	3-	0
University of North Carolina, Chapel Hill	65	25
University of North Carolina, Charlotte	3—	1
University of North Carolina, Greensboro	3—	1
University of North Carolina, Asheville	2—	1
University of North Carolina,		

Wilmington	2—	4
North Carolina State University, Raleigh	5—	3
Appalachian State University	2—	4
East Carolina University	3—	2
Elizabeth City State University	2—	4
Fayetteville State University	2—	4
North Carolina Agricultural and Technical University	2—	4
North Carolina Central University	5—	5
Western Carolina University	2—	4
University of North Carolina, Pembroke	2—	4
Winston-Salem State University	2—	4
North Carolina School of the Arts	4	4
Private Institutions		
Duke University	6—	6
Davidson College	3—	2
Wake Forest University	5—	5
Lenoir-Rhyne College	1—	4
Elon College	4—	4
Guilford College	4—	4
Campbell University	5—	5
Wingate College	4—	4
Pfeiffer College	4—	4
Barber-Scotia College	4—	4
Barton College	4—	4
Shaw University	4—	4
St. Augustine's College	4—	4
Johnson C. Smith University	4—	4
Belmont Abbey College	4—	4
Bennett College	4—	4
Catawba College	4—	4
Gardner-Webb College	4—	4
Greensboro College	4—	4
High Point University	4—	4
Livingstone College	4—	4
Mars Hill College	4—	4
Meredith College	4—	4
Methodist College	4—	4
North Carolina Wesleyan College	4—	4
Queens College	4—	4
Sacred Heart College	4—	4
St. Andrews Presbyterian College	4—	4
Salem College	4—	4
Warren Wilson College	4—	4
County and Local Officials		
Clerks of the Superior Court	4 ea.	4 ea.
Register of Deeds	4 ea.	4 ea.
Federal, Out of State and Foreign		
Secretary to the President	4—	0
- Secretary of State	4—	4

- Secretary of Defense	1—	0
- Secretary of Agriculture	1—	0
- Secretary of the Interior	1—	0
- Secretary of Labor	1—	1
- Secretary of Commerce	1—	1
- Secretary of the Treasury	1—	0
- Secretary of Health, Education and Welfare	1—	0
- Secretary of Housing and Urban Development	1—	0
- Secretary of Transportation	1—	0
- Attorney General	1—	0
- Postmaster General	1—	0
- Bureau of Census	1—	0
- Bureau of Public Roads	1—	0
- Department of Justice	1—	0
- Department of Internal Revenue	1—	0
- Veterans' Administration	1—	0
- Farm Credit Administration	1—	0
- Securities and Exchange Commission	1—	0
- Social Security Board	1—	0
- Environmental Protection Agency	1—	0
- Library of Congress	8—	2
- Federal Judges resident in North Carolina	1 ea.—	0
- Federal District Attorneys resident in North Carolina	1 ea.—	0
- Marshal of the United States Supreme Court	1—	0
- Federal Clerks of Court resident in North Carolina	1 ea.—	0
- Supreme Court Library exchange list	1 ea.—	0

One copy of the Session Laws shall be furnished the head of any department of State government created in the future.

~~State agencies, institutions, etc., not found in or covered by this list may.~~ Any State agency, department, institution, commission, committee, board, division, bureau, officer, or official that does not receive a copy of the Session Laws may, upon written request from their respective department head to the Secretary of State, and upon the discretion of the Secretary of State as to need, be issued copies of the Session Laws on a permanent loan basis with the understanding that should said copies be needed they will be recalled. "

SECTION 16.(b) Each agency or institution entitled to receive more than one copy of a hardbound volume of the Session Laws and of the House of Representatives and Senate journal publications for the year 2001 desiring additional hardbound copies of those publications to which it is entitled shall so notify the Secretary of State not later than 30 days after this act becomes law; and each State Senator and each State Representative is entitled to receive the 2001 journal of a house only if he or she so requests in writing to the principal clerk of that house no later than 30 days after this act becomes law.

SECTION 16.(c) G.S. 120-32 reads as rewritten:

"§ 120-32. **Commission duties.**

The Legislative Services Commission is hereby authorized to:

...

- (7) a. Provide for the indexing and printing of the session laws of each regular, extra or special session of the General Assembly and provide for the printing of the journal of each house of the General Assembly,
- b. Provide and supply to the Secretary of State such bound volumes of the journals and session laws and of these publications in electronic format as may be required by ~~him~~ the Secretary of State to be distributed under the provisions of G.S. 147-45, 147-46.1 and 147-48."

SECTION 16.(d) G.S. 120-34(a) reads as rewritten:

"(a) The Legislative Services Commission shall publish all laws and joint resolutions passed at each session of the General Assembly- Assembly and the executive orders of the Governor issued since the adjournment of the prior session of the General Assembly. The laws and joint resolutions shall be kept separate and indexed separately. Each volume shall contain a certificate from the Secretary of State stating that the volume was printed under the direction of the Legislative Services Commission from ratified acts and ~~resolutions~~ resolutions and executive orders of the Governor on file in the Office of the Secretary of State. The Commission may publish the Session Laws and House and Senate Journals of extra and special sessions of the General Assembly in the same volume or volumes as those of regular sessions of the General Assembly. ~~In printing,~~ In printing the ratified acts and resolutions, the signatures of the presiding officers and the Governor shall be omitted.

The enrolling clerk or the Legislative Services Office shall assign to each bill that becomes law a number in the order the bill became law, and the laws shall be printed in the Session Laws in that order. The number shall be preceded by the phrase "Session Law" or the letters "S.L." followed by the calendar year it was ordered enrolled, followed by a hyphen and the sequential law number. Laws of Extra Sessions shall so indicate. In the case of any bill required to be presented to the Governor, and which became law, the Session Laws shall carry, below the date of ratification, editorial notes as to what time and what date the bill became law. In any case where the Governor has returned a bill to the General Assembly with objections, those objections shall be printed verbatim in the Session Laws, regardless of whether or not the bill became law notwithstanding the objections."

SECTION 16.(e) The Legislative Research Commission shall study the issue of further changes in agencies and institutions entitled to copies of State publications, and shall report to the General Assembly in 2002 on its findings.

COMPREHENSIVE SERVICES/FOSTER CARE

SECTION 17. Section 21.60(g) of S.L. 2001-424 reads as rewritten:

"**SECTION 21.60.(g)** The Department of Health and Human Services, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, the Department of Public Instruction, and other affected agencies, shall report on the following Program information:

- (1) The number and other demographic information of children served.
- (2) The amount and source of funds expended to implement the Program.
- (3) Information regarding the number of children screened, specific placement of children including the placement of children in programs or facilities outside of the child's home county, and treatment needs of children served.
- (4) The average length of stay in residential treatment, transition, and return to home.
- (5) The number of children diverted from institutions or other out-of-home placements such as ~~training schools-foster care, training schools,~~ and State

- psychiatric hospitals and a description of the services provided.
- (6) Recommendations on other areas of the Program that need to be improved.
 - (7) Other information relevant to successful implementation of the Program."

DHHS DATE CHANGE

SECTION 18. Section 21.66(d) of S.L. 2001-424 reads as rewritten:

"**SECTION 21.66.(d)** The Department shall submit a progress report on implementation of this section not later than February 1, ~~2001, 2002,~~ and a final report not later than May 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division."

CIRCUMCISION FUNDS

SECTION 19. Notwithstanding any other provision of law to the contrary, from funds available in the General Fund, there is appropriated to the Department of Health and Human Services, Division of Medical Assistance, the sum of two hundred forty-six thousand, seven hundred sixty-two dollars (\$246,762) for the 2001-2002 fiscal year and the sum of four hundred thousand dollars (\$400,000) for the 2002-2003 fiscal year. These funds shall be used to provide optional circumcision procedures for newborns eligible for Medicaid.

COORDINATION OF ACCESS TO PHARMACEUTICAL COMPANY PRESCRIPTION DRUG PROGRAMS

SECTION 20. Section 21.6 of S.L. 2001-424 reads as rewritten:

"**SECTION 21.6.(a)** Of the funds appropriated in this act to the Department of Health and Human Services, ~~Division of Public Health,~~ the sum of two hundred thousand dollars (\$200,000) for the 2001-2002 fiscal year and the sum of two hundred thousand dollars (\$200,000) for the 2002-2003 fiscal year shall be used to initiate the development of a system to assist eligible individuals in obtaining prescription drugs at no cost or for a nominal fee through pharmaceutical company programs or initiatives. programs. The system will be designed to minimize the efforts of patients and their health care providers in securing needed drugs. The required patient and health care provider data will be maintained and orders tracked in order to initiate timely reorders of needed drugs to assure continuity of medication intake. Coordination of access shall be provided through a central location that maintains documentation of an individual's eligibility provided by the individual and prescription orders from the individual's physician to facilitate the provision of no cost or nominal cost drugs under the pharmaceutical company program. The coordination of access shall be implemented in a way that encourages physician, patient, and pharmacy participation by reducing time consuming procedural requirements. The Department may contract with a private nonprofit organization to ~~coordinate access~~ assist in the development of the system as provided under this section.

SECTION 21.6.(b) ~~The eoordination of access effort~~ development of the system shall be jointly managed by the Office of Research, Demonstrations and Rural Health Development and the Office of Pharmacy Services, Division of Public Health. under this section shall be consistent with other prescription drug assistance programs throughout the Department, including the AIDS Drug Assistance Program and the Prescription Drug Assistance Program, in identifying program participants.

SECTION 21.6.(c) The Department shall work with pharmaceutical companies in obtaining access to company applications for assistance and making those applications available to the general public. The Department shall ensure that pharmaceutical company programs are registered with the Department and shall obtain the application forms of

each pharmaceutical program.

SECTION 21.6.(d) The Department shall report on the implementation of this section on ~~December 1, 2001, January 1, 2002,~~ April 1, 2002, and October 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division."

RETIREMENT PAYMENT

SECTION 21. It is the intent of the General Assembly to appropriate funds to make the contribution to the Teachers' and State Employees' Retirement System ("System") that would have been made for the fiscal period beginning February 28, 2001, and ending June 30, 2001. Further, it is the intent of the General Assembly that the payment be made with interest at rates determined by the General Assembly to be consistent with the performance and earnings of the System. Subject to the availability of funds, it is also the intent of the General Assembly to make the payment by appropriations over a five-year period beginning July 1, 2003.

HEALTH PLAN CO-PAYMENT

SECTION 22.(a) G.S. 135-40.8(c3), as enacted by Section 1(m) of S.L. 2001-253, reads as rewritten:

"(c3) Notwithstanding any other provision of this Article, the Plan does not pay for the first fifteen dollars (\$15.00) of allowable charges for each home, office, or skilled nursing facility visit under the provisions of G.S. 135-40.6(7)a. and b., G.S. 135-40.6(4), ~~G.S. 135-40.6(8)e. (IV therapy), G.S. 135-40.6(8)i., j., k., n., r., and s., and G.S. 135-40.5(e).~~ The ~~copayment-co-payment~~ assessed by this subsection shall be assessed only once per person per provider per day and shall not apply to laboratory, pathology, and radiology ~~services-services, or to charges for injected medications.~~ The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of coinsurance out-of-pocket costs."

SECTION 22.(b) In accordance with G.S. 135-40.8(c3), enacted by Section 1(m) of Session Law 2001-253, the first fifteen dollars (\$15.00) of allowable charges not paid by the Plan does not apply to cardiac rehabilitation benefits.

MILITARY LEAVE

SECTION 23.(a) The caption for Article 9 of Chapter 127A reads as rewritten: "Privilege of Organized ~~Militia~~ State Militia and Reserve Components of the United States Armed Forces."

SECTION 23.(b) G.S. 127A-116 reads as rewritten:

"§ 127A-116. **Leaves of absence for State officers and employees.**

The Governor or ~~his~~ the Governor's designee shall promulgate appropriate policy and regulations relating to leaves of absence for short periods of military training and for State or federal military duty or special emergency management service of all officers and employees of the State and its political subdivisions, including officers and employees of public educational facilities under the sponsorship of the State, without loss of pay, time or efficiency rating."

SECTION 23.(c) This section is effective September 1, 2001.

OPTIONAL RETIREMENT PROGRAM/NCCCS

SECTION 24. Section 32.24(c) of S.L. 2001-424 reads as rewritten:

"**SECTION 32.24.(c)** This section becomes effective ~~January 1, 2002.~~ January 1, 2003."

FLOODPLAIN MAPPING

SECTION 25. The Department of Crime Control and Public Safety shall complete Phase 1 of the floodplain mapping for the Cape Fear River Basin by December 30, 2002. The Department of Crime Control and Public Safety shall use available federal funds to complete Phase 1 of the floodplain mapping for the Cape Fear River Basin; however, if the federal funds are insufficient to complete Phase 1, then the Department may use up to six million dollars (\$6,000,000) from the Reserve for Disaster Relief (Budget Code 19930) to complete Phase 1 of the floodplain mapping.

The Department of Crime Control and Public Safety may use up to three million dollars (\$3,000,000) from the Reserve for Disaster Relief (Budget Code 19930) to initiate Phase 2 of the floodplain mapping for the Catawba River Basin and for the Yadkin River Basin.

SICKLE CELL SYNDROME PURCHASE OF MEDICAL CARE FUNDS

SECTION 26. There is appropriated from the General Fund to the Department of Health and Human Services, Division of Public Health, the sum of four hundred sixty thousand dollars (\$460,000) for the 2001-2002 fiscal year for the Sickle Cell Syndrome Purchase of Medical Care.

CULTURAL RESOURCES/DIGITAL ARCHIVES

SECTION 27. Section 11.1 of S.L. 2001-424 reads as rewritten:

"**SECTION 11.1.** Of the funds appropriated to the Department of Cultural Resources, the sum of fifty thousand dollars (\$50,000) shall be used to complete the planning for the Information Technology Expansion Project ~~and the Information Resource Management Commission (IRMC) Project Certification~~ and to aid in computerizing certain archival records in the State Archives so that the records will be available to the public via the Internet. The Department shall not expend any additional funds for information technology expansion prior to review of the IRMC Project Certification by the Joint Select Committee on Information Technology. The results of the IRMC Project Certification shall be presented to the Joint Select Committee on Information Technology no later than March 1, 2002."

E-PROCUREMENT

SECTION 28.(a) G.S. 143-48.3, as rewritten by Section 15.6(b) of S.L. 2001-424, reads as rewritten:

"§ 143-48.3. Electronic procurement.

(a) The Department of Administration and the Office of the State Controller, in conjunction with the Office of Information Technology Services (ITS), the Department of State Auditor, the Department of State Treasurer, the University of North Carolina General Administration, the Community Colleges System Office, and the Department of Public Instruction shall collaborate to develop electronic or digital procurement standards.

(b) The Department of Administration, in conjunction with the Office of the State Controller and the Office of Information Technology Services may, upon request, provide to all State agencies, universities, local school administrative units, and the community colleges, training in the use of the electronic procurement system.

(c) The Office of Information Technology Services shall act as an Application Service Provider for an electronic procurement system and shall establish, manage, and operate this electronic procurement system and shall establish, manage, and operate, through State ownership or commercial leasing, in accordance with the requirements and operating standards developed by the Department of Administration, the Office of the State Controller, and ITS.

(d) This section does not otherwise modify existing law relating to procurement

between The University of North Carolina, UNC Health Care, local school administrative units, community colleges, and the Department of Administration.

(e) The Board of Governors of The University of North Carolina ~~may shall~~ exempt North Carolina State University and the University of North Carolina at Chapel Hill from the electronic procurement system authorized by this Article until May 1, 2003, ~~if the Board of Governors determines that each exemption is in the best interest of the respective constituent institutions. 2003.~~ Each exemption shall be subject to the Board of Governors' annual review and reconsideration. Exempted constituent institutions shall continue working with the North Carolina E-Procurement Service as that system evolves and shall ensure that their proposed procurement systems are compatible with the North Carolina E-Procurement Service so that they may take advantage of this service to the greatest degree possible. Before an exempted institution expands any electronic procurement system, that institution shall consult with the Joint Legislative Commission on Governmental Operations and the Joint Select Committee on Information Technology. By May 1, 2003, the General Assembly shall evaluate the efficacy of the State's electronic procurement system and the inclusion and participation of entities in the system.

(f) Any State entity, local school administrative unit, or community college operating a functional electronic procurement system established prior to September 1, 2001, may until May 1, 2003, continue to operate that system independently or may opt into the North Carolina E-Procurement Service. Each entity subject to this section shall notify the Information Resources Management Commission by January 1, 2002, and annually thereafter, of its intent to participate in the North Carolina E-Procurement Service."

SECTION 28.(b) G.S. 143-49(8), as enacted by Section 15.6(d) of S.L. 2001-424, reads as rewritten:

"(8) To establish and maintain a procurement card program for use by State agencies, community colleges, nonexempted constituent institutions of The University of North Carolina, and local school administrative units. The Secretary of Administration may adopt temporary rules for the implementation and operation of the program in accordance with the payment policies of the State Controller, after consultation with the Office of Information Technology Services. These rules would include the establishment of appropriate order limits that leverage the cost savings and efficiencies of the procurement card program in conjunction with the fullest possible use of the North Carolina E-Procurement Service. ~~Procurement cards shall be utilized only through the E-Procurement Service. North Carolina State University and the University of North Carolina at Chapel Hill may use procurement cards consistent with the rules adopted by the Secretary, provided that the procurement cards have a purchase limit of two hundred fifty dollars (\$250.00) per month.~~ Prior to implementing the program, the Secretary shall consult with the State Controller, the UNC General Administration, the Community Colleges System Office, the State Auditor, the Department of Public Instruction, a representative chosen by the local school administrative units, and the Office of Information Technology Services. The Secretary may periodically adjust the order limit authorized in this section after consulting with the State Controller, the UNC General Administration, the Community Colleges System Office, the Department of Public Instruction, and the Office of Information Technology Services."

CHEROKEE COMPACT

SECTION 29.(a) G.S. 147-12 is amended by adding a new subdivision to read:

"(14) To negotiate and enter into Class III Tribal-State gaming compacts, and amendments thereto, on behalf of the State consistent with State law and the Indian Gaming Regulatory Act, Public Law 100-497, as necessary to allow a federally recognized Indian tribe to operate gaming activities in this State as permitted under federal law."

SECTION 29.(b) Chapter 71A of the General Statutes is amended by adding a new section to read:

"§ 71A-8. Authorization for federally recognized Indian tribes.

In recognition of the governmental relationship between the State, federally recognized Indian tribes and the United States, a federally recognized Indian tribe may conduct games consistent with the Indian Gaming Regulatory Act, Public Law 100-497, that are in accordance with a valid Tribal-State compact executed by the Governor pursuant to G.S. 147-12(14) and approved by the U.S. Department of Interior under the Indian Gaming Regulatory Act, and such games shall not be unlawful or against the public policy of the State if the State permits such gaming for any purpose by any person, organization, or entity."

SECTION 29.(c) This section is effective August 1, 1994, and applies to compacts and amendments thereto executed on or after that date.

ADVANCE HEALTH CARE DIRECTIVE REGISTRY FUNDS

SECTION 30.(a) There is appropriated from the General Fund to the Department of Secretary of State the sum of seventy-five thousand dollars (\$75,000) for the 2001-2002 fiscal year to fund the Advance Health Care Directive Registry established under Article 21 of Chapter 130A of the General Statutes.

SECTION 30.(b) Section 8 of S.L. 2001-455 reads as rewritten:

"SECTION 8. Sections 1 through 6 of this act become effective ~~January 1, 2002.~~ May 1, 2002. The remainder of this act is effective when it becomes law."

DMV ADVERTISING

SECTION 31. The Legislative Research Commission shall study the issue of sale of advertising to be placed in official mailings or publications of the Division of Motor Vehicles and shall report to the General Assembly in 2002. The Commissioner of Motor Vehicles shall not contract for the sale of advertising to be placed in official mailings or publications of the Division of Motor Vehicles until authorized by the General Assembly.

DMV MAY ISSUE LICENSES OF LIMITED DURATION

SECTION 32.(a) G.S. 20-7(f) reads as rewritten:

"(f) Expiration and Temporary License. – The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. A first drivers license may be issued for a shorter duration if the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration issued by the United States Department of State. The first drivers license the Division issues to a person who is at least 17 years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who is at least 62 years old expires on the person's birthday in the fifth year after the license is issued, whether or not the person's age on that birthday is evenly divisible by five.

A drivers license that was issued by the Division and is renewed by the Division expires five years after the expiration date of the license that is ~~renewed.~~ renewed unless the Division determines that a license of shorter duration should be issued when the

applicant holds a visa of limited duration from the United States Department of State. A person may apply to the Division to renew a license during the 180-day period before the license expires. The Division may not accept an application for renewal made before the 180-day period begins.

The Division may renew by mail a drivers license issued by the Division to a person who meets any of the following descriptions:

- (1) Is serving on active duty in the armed forces of the United States and is stationed outside this State.
- (2) Is a resident of this State and has been residing outside the State for at least 30 continuous days.

When renewing a license by mail, the Division may waive the examination that would otherwise be required for the renewal and may impose any conditions it finds advisable. A license renewed by mail is a temporary license that expires 60 days after the person to whom it is issued returns to this State."

SECTION 32.(b) This section is effective when it becomes law.

CASH ASSISTANCE PAYMENTS

SECTION 33. Section 5.1 of S.L. 2001-424 is amended by adding a new subsection to read:

"**SECTION 5.1.(bb)** If the Department of Health and Human Services determines that sufficient funds are not available within the Work First Cash Assistance Program and the Cash Assistance Reserve to provide cash assistance payments to all eligible families in the 2001-2002 fiscal year, the Department may reduce the allocations under the TANF Block Grant in this section to non cash assistance programs and services in order to ensure that cash assistance payments to all eligible families continue throughout the 2001-2002 fiscal year."

EFFECTIVE DATE

SECTION 34. Unless otherwise provided in this act, this act is effective July 1, 2001.

Upon motion of Senator Plyler, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Plyler, the Conference Report is adopted (23-5).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECONSIDERATION

S.J.R. 1109, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2001 GENERAL ASSEMBLY TO MEET IN 2002 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION.

Having voted with the majority, Senator Rand offers a motion that the vote by which the joint resolution, as amended, passed its third reading earlier today be reconsidered, which motion prevails (28-0).

The question before the Body becomes the passage of the joint resolution on its third reading.

Senator Rand offers Amendment No. 2, which is adopted (30-0).

The Joint Resolution, as amended, passes its third reading (30-0) and is ordered engrossed and sent to the House of Representatives by special message.

December 6, 2001

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 338, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, Senate Judiciary I Committee Substitute Adopted 11/27/01, Sixth Edition Engrossed 12/4/01, submit the following report:

The Senate and House agree to the following amendments to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 11/27/01, Sixth Edition Engrossed 12/4/01, and the House concurs with the Senate Committee Substitute as amended:

on page 66, lines 4-25, [Section 48] by deleting the lines;

and on page 74, line 42, [Section 59] by deleting "October 1, 2001," and substituting "March 1, 2002,";

and on page 80, lines 15-17, [Section 62.(d)] by rewriting the lines to read:

"(b) If the domestic corporation is converting to a business entity whose ~~formation~~ formation, or whose status as a registered limited liability ~~partnership~~, partnership as defined in G.S. 59-32, ~~or limited liability limited partnership, as defined in G.S. 59-102,~~ requires the filing of a";

and on page 85, lines 15-16, [Section 62.(o)] by rewriting the lines to read:

"whose ~~formation~~ formation, or whose status as a registered limited liability ~~partnership~~, partnership as defined in G.S. 59-32, ~~or limited liability limited partnership as defined in G.S. 59-102,~~ requires";

and on page 85, line 19, [Section 62.(o)] by inserting "the" after the word "contain";

and on page 87, lines 21-25, [Section 62.(u)] by rewriting the lines to read:

"(b) If the domestic partnership is converting to a business entity whose formation ~~or whose status as a limited liability limited partnership, as defined in G.S. 59-102,~~ requires the filing of a document with the Secretary of State, then notwithstanding subsection (a) of this section the articles of conversion shall be included as part of that document ~~instead of separately filing the articles of conversion~~ and shall contain the information required by the laws governing the organization and internal affairs of the resulting business entity.";

and on page 91, line 6, [Section 62.(bb)] by rewriting the line to read:

~~formation~~ formation, or whose status as a registered limited liability ~~partnership~~, partnership as defined in G.S.";

and on page 108, line 8 [Section 71] by inserting the following immediately after the period: "The preceding sentence applies only to agreements, contracts, and leases with an estimated revenue to the State of one hundred thousand dollars (\$100,000) or more."

and on page 113, line 15, through page 114, line 23, [Section 81] by deleting the lines;

and on page 118, line 1, through page 120, line 8, [Sections 86.(c), 86.(d), and 86.5] by deleting the lines;

and on page 134, lines 21-29, [Section 108] by deleting the lines;

and on page 135, lines 7-27, [Section 111] by deleting the lines;

and on page 136, lines 29-38, [Section 114.5] by deleting the lines;

and on page 137, lines 35-36, [Section 117] by deleting the lines;

and on page 140, lines 14-18, [Section 125] by deleting the lines;

and on page 140, line 31, through page 141, line 29, [Sections 125.2, 125.3, and 125.4] by deleting the lines;

and on page 141, lines 29-30, by inserting between the lines a new section to read: "**SECTION 125.5** If Senate Bill 571, 2001 General Assembly, becomes law, the prefatory language of Section 2.24 of that act reads as rewritten:

'**SECTION 2.24.** ~~G.S. 143B-344.30~~G.S. 143B-344.32 reads as rewritten:'"

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

Conferees for the Senate

S/ Daniel G. Clodfelter, Chair
S/ Fletcher L. Hartsell, Jr.
S/ Hamilton C. Horton, Jr.
S/ David W. Hoyle
S/ John H. Kerr III
S/ Anthony E. Rand

Conferees for the House of Representatives

S/ Bill Culpepper, Chair
S/ Gordon P. Allen
S/ Charles F. Buchanan
S/ Philip A. Baddour
S/ Ruth M. Easterling
S/ Joe Hackney
S/ Warren C. Oldham
S/ David Redwine
S/ Gregory J. Thompson
S/ William L. Wainwright

Upon motion of Senator Clodfelter, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Clodfelter, the Conference Report is adopted (26-6).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 1:35 P.M. to reconvene at 2:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

Upon the appearance of Senator Moore in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION, RESEARCH INITIATIVES FUNDED BY THE AGRICULTURAL ADVANCEMENT CONSORTIUM, AND THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE-FUNDING NEEDS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 688, A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION, RESEARCH INITIATIVES FUNDED BY THE AGRICULTURAL ADVANCEMENT CONSORTIUM, AND THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE-FUNDING NEEDS, Senate Finance Committee Substitute Adopted 10/2/01, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute, Senate Finance Committee Substitute Adopted 10/2/01, and the House concurs in the Senate Finance Committee Substitute as amended:

On page 1, lines 4 through 7, by rewriting those lines to read:
"EDUCATION AND THE SAVINGS RESERVE ACCOUNT.";

And on page 2, lines 24 through 37, rewriting those lines to read:

"SECTION 3. No later than June 30, 2002, the State Controller shall credit the sum of seven hundred fifty thousand dollars (\$750,000) from the General Fund to the Savings Reserve Account established in G.S. 143-15.3 This allocation of revenue is not an "appropriation made by law" as that phrase is used in Article V, Section 7(1) of the North Carolina Constitution.

SECTION 4. This act becomes effective February 1, 2002."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

Conferees for the Senate

S/ Walter Dalton
S/ Aaron Plyler
S/ Fountain Odom
S/ Howard Lee
S/ David Hoyle
S/ Robert Shaw
S/ John Kerr

Conferees for the House of Representatives

S/ Pryor Gibson
S/ Nurham Warwick
S/ John Weatherly
S/ David Redwine
S/ Dewey Hill
S/ James W. Crawford, Jr.

Upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Hoyle, the Conference Report is adopted (29-2).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Chair grants a leave of absence for the remainder of today's session to Senator Bingham.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

H.B. 168 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE TECHNICAL CHANGES TO HOUSE BILL 1073 AND SENATE BILL 842, AS ENACTED BY THE 2001 GENERAL ASSEMBLY, with an unfavorable report as to Senate Committee Substitute, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 7697, which changes the title to read **H.B. 168** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO AMEND THE INDEMNIFICATION PROVISIONS OF THE PATIENT'S BILL OF RIGHTS, TO SUPPORT TROOPS PARTICIPATING IN OPERATIONS ENDURING FREEDOM AND NOBLE EAGLE, AND TO PERMIT LEAVE FOR DISASTER SERVICE VOLUNTEERS, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

Senator Rand offers Amendment No. 1 which is adopted (32-0).

The Senate Committee Substitute bill No. 2 passes its second (32-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

December 6, 2001

The Senate recesses at 3:23 P.M. to reconvene at 5:00 P.M. subject to the receipt of messages from the House of Representatives.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
December 6, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on Senate Committee Substitute for H.B. 1144, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
December 6, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on Senate Committee Substitute No. 2 for H.B. 231, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001, it is ordered that a message be sent to your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

House of Representatives
December 6, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on Senate Committee Substitute for H.B. 338, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees

December 6, 2001

and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 346 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today's Calendar.

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
December 6, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute No. 2 for H.B. 1284, A BILL TO BE ENTITLED AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO PROVIDE THAT CERTAIN TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE NOT A PUBLIC RECORD; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

The Chair grants leaves of absence for the remainder of today's session to Senator
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Garrou, Senator Horton, Senator Robinson, Senator Shaw of Guilford and Senator Weinstein.

The Senate recesses at 5:15 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting, subject to receipt of messages from the House of Representatives, to reconvene at 5:30.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
December 6, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on Senate Committee Substitute for H.B. 688, A BILL TO BE ENTITLED AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION AND THE SAVINGS RESERVE ACCOUNT, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

H.B. 599 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO

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MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 3963, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Senate Committee Substitute bill No. 2 passes its second (29-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1284 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO MODIFY THE COST-SHARING REQUIREMENTS UNDER THE STATE EMPLOYEES HEALTH CARE PLAN AND TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1284, A BILL TO BE ENTITLED AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO MODIFY THE COST-SHARING REQUIREMENTS UNDER THE STATE EMPLOYEES HEALTH CARE PLAN AND TO PROVIDE THAT THE TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE CONFIDENTIAL; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION, Senate Finance Committee Substitute Adopted 12/4/01, submit the following report:

The Senate and House agree to the following amendments to the Senate Committee Substitute, Senate Finance Committee Substitute Favorable 12/04/01, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 6 through 8, delete the words "TO MODIFY THE COST SHARING REQUIREMENTS UNDER THE STATE EMPLOYEES HEALTH CARE PLAN AND";

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and

on page 1, line 8, delete the word "THE" and substitute the word "CERTAIN"; and

on page 1, line 11, delete the word "CONFIDENTIAL;" and substitute the words "NOT A PUBLIC RECORD;"; and

on page 5, lines 2 and 3, delete the phrase "The terms of any contract, including reimbursement rates," and substitute the phrase "The terms pertaining to reimbursement rates or other terms of consideration of any contract";

on page 5, lines 4 and 5, delete the words "be confidential and not" and substitute the words "not be"; and

on page 5, line 5, delete the words "five years" and substitute the words "thirty months"; and

on page 5, line 6, delete the word "from" and substitute the word "after"; and

on page 5, line 8, delete the word "confidential" and substitute the words "not a public record"; and

on page 5, lines 9 and 10, delete the phrase "Joint Legislative Health Care Oversight Committee" and substitute the phrase: "Committee on Employee Hospital and Medical Benefits"; and

on page 6, line 6, delete the quotation mark; and

on page 6, lines 6 and 7, insert the following subsection between those lines:

"(c) Nothing in this section shall be deemed to prevent an elected public body, in closed session, which has responsibility for the hospital, the Attorney General, or the State Auditor, from having access to this confidential information. The disclosure to any public entity does not affect the confidentiality of the information. Members of the public entity shall have a duty not to further disclose the confidential information."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

Conferees for the Senate

Conferees for the House of Representatives

S/ Anthony E. Rand

S/ Jennifer Weiss

S/ Aaron W. Plyler

S/ Thomas E. Wright

S/ Bill Purcell

S/ Wilma M. Sherrill

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on the Calendar for immediate consideration.

Upon motion of Senator Rand, the Senate adopts the Conference Report (29-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

DISMISSAL AND APPOINTMENT OF CONFEREE

S.B. 68 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND TO DIRECT THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY THE COMPOSITION OF THE COMMISSION.

Senator Basnight announces that Senator Bingham who was appointed as a conferee on June 14, to resolve the differences in the House Committee Substitute bill is hereby dismissed. Senator Soles is appointed to replace Senator Bingham.

CALENDAR (*continued*)

S.B. 346 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (29-0) and the measure is ordered enrolled and sent to the Governor by special message.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 400 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 400, A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES, TO EXEMPT FREE CIRCULATION PUBLICATIONS FROM THE SALES TAX, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SALES AND USE TAX TREATMENT OF PUBLICATIONS, House Committee Substitute Favorable 9/4/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, House Committee Substitute Favorable 9/4/01, and the Senate concurs in the House Committee Substitute as amended:

On page 1, lines 3 through 6, by putting a period after the word "PURPOSES" on line 3 and by deleting the remainder of those lines;

And on page 1, line 13 through page 2, line 18, by rewriting those lines to read:

"SECTION 2. This act becomes effective January 1, 2002. "

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 17, 2001.

Conferees for the Senate

S/ David Hoyle
S/ Walter Dalton
Scott Thomas
S/ David F. Weinstein
S/ James Forrester

Conferees for the House of Representatives

S/ Paul Luebke
S/ Bill Culpepper
S/ Philip A. Baddour
Charles Buchanan
S/ William L. Wainwright

The Chair grants a leave of absence for the remainder of today's session to Senator Reeves.

Upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Hoyle, the Conference Report is adopted (27-0).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Chair grants a leave of absence for the remainder of today's session to Senator Wellons.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore who presides in the absence of the Lieutenant Governor.

Without objection, upon motion of Senator Rand, the rules are suspended and votes on bills remaining on today's Calendar shall be taken by voice vote. (Bills remaining on today's Calendar do not require an electronic vote as mandated by the Constitution of North Carolina.)

CONFERENCE REPORT

Senator Ballance, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 68 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND TO DIRECT THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY THE COMPOSITION OF THE COMMISSION, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 68, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND TO DIRECT THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY THE COMPOSITION OF THE COMMISSION, House Committee Substitute Favorable 6/6/01, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute Favorable 6/6/01, and the Senate concurs in the House Committee Substitute as amended:

On page 1, line 8, insert between "COMMITTEE," and "TO" the word: "AND";

and on page 1, lines 9-12, rewrite the lines to read:

"DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.";

and on page 2, line 8, delete "31" and substitute "33";

and on page 2, line 37, delete "two" and substitute "~~two~~ four";

and on page 2, line 37, delete "one" and substitute "~~one~~ two";

and on page 2, line 38, delete "one" and substitute "~~one~~ two";

and on page 27, lines 23-34, delete the lines;

and on page 27, line 36, delete "IV." and substitute "III.";

and renumber the remaining section.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: December 6, 2001.

Conferees for the Senate

Luther Jordan, Chair
S/ Frank W. Ballance, Jr.
S/ R.C. Soles

Conferees for the House of Representatives

S/ Philip A. Baddour
S/ Bill Culpepper
S/ Wilma Sherrill

Upon motion of Senator Ballance, the rules are suspended and the Conference Report December 6, 2001

is placed before the Senate for immediate consideration.

Upon motion of Senator Ballance, the Conference Report is adopted by voice vote.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
December 6, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on House Committee Substitute No. 2 for S.B. 914, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE- PRIME CONTRACTING, SINGLE- PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 914 earlier today, the President *Pro Tempore* orders the bill enrolled and sent to the Governor by special message.

House of Representatives
December 6, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on House Committee Substitute for S.B. 400, A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX

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PURPOSES, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 400 earlier today, the President *Pro Tempore* orders the bill enrolled and sent to the Governor by special message.

House of Representatives
December 6, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on House Committee Substitute for S.B. 68, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, it is ordered that message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/ Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 68 earlier today, the President *Pro Tempore* orders the bill enrolled and sent to the Governor by special message.

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 166 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND COMMISSIONS, TO AUTHORIZE OR DIRECT STATE AGENCIES, LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO AMEND THE LAW REGARDING THE FURNISHING OF DATA AND INFORMATION BY STATE AGENCIES TO LEGISLATIVE COMMITTEES AND COMMISSIONS AND REGARDING INTERIM COMMITTEE ACTIVITY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

December 6, 2001

The Senate concurs in the House Committee Substitute bill by voice vote and the measure is ordered enrolled and sent to the Governor by special message.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 346, AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS.

S.B. 772, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY STANDARDS FOR THE ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PARENTERAL SEDATION.

S.B. 914, AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE- PRIME CONTRACTING, SINGLE- PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES.

H.B. 168, AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO AMEND THE INDEMNIFICATION PROVISIONS OF THE PATIENT'S BILL OF RIGHTS, TO SUPPORT TROOPS PARTICIPATING IN OPERATIONS ENDURING FREEDOM AND NOBLE EAGLE, AND TO PERMIT LEAVE FOR DISASTER SERVICE VOLUNTEERS.

H.B. 231, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001 AND FOR OTHER PURPOSES.

H.B. 338, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

H.B. 688, AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION AND THE SAVINGS RESERVE ACCOUNT.

H.B. 1144, AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

And the following bills and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 348, AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX.

S.B. 603, AN ACT TO TEMPORARILY EXPAND THE NAVASSA TOWN BOARD TO INCLUDE REPRESENTATION FROM THE AREA RECENTLY ANNEXED, TO AUTHORIZE THE TOWN OF CARY TO REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN, AND CONCERNING AIRPORT LEASES BY MONTGOMERY COUNTY.

S.J.R. 1109, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2001 GENERAL ASSEMBLY TO MEET IN 2002 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION. (Res. 36)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 907, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO ANATOMICAL GIFT DONATION. (Became law upon approval of the Governor, December 6, 2001–S.L. 2001-481.)

S.B. 178, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES. (Became law upon approval of the Governor, December 6, 2001–S.L. 2001-482.)

H.B. 1389, AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE FOR RETIRED MAGISTRATES AND FOR RECIPIENTS OF THE COMBAT INFANTRY BADGE. (Became law upon approval of the Governor, December 6, 2001–S.L. 2001-483.)

S.B. 348, AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX. (Became law upon ratification, December 6, 2001–S.L. 2001-484.)

S.B. 603, AN ACT TO TEMPORARILY EXPAND THE NAVASSA TOWN BOARD TO INCLUDE REPRESENTATION FROM THE AREA RECENTLY ANNEXED, TO AUTHORIZE THE TOWN OF CARY TO REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN, AND CONCERNING AIRPORT LEASES BY MONTGOMERY COUNTY. (Became law upon ratification, December 6, 2001–S.L. 2001-485.)

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a resolution which is read the first time and disposed of, as follows:

House of Representatives
December 6, 2001

Madame President:

You are respectfully advised that in accordance with S.J.R. 1109, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2001 GENERAL ASSEMBLY TO MEET IN 2002 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, the House of Representatives has concluded its business and is adjourning subject to the ratification of bills and the receipt of Senate messages.

Respectfully,
S/ Denise Weeks
Principal Clerk

Senator Ballance offers a motion pursuant to **S.J.R. 1109**, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2001 GENERAL ASSEMBLY TO MEET IN 2002 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION (Res. 36), that the Senate adjourn subject to receipt of messages from the House of Representatives and ratification of bills, seconded by Senator Foxx, to reconvene Tuesday, May 28, 2002, at 12:00 Noon.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 400, AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES.

S.B. 68, AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION,

S.B. 166, AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND COMMISSIONS, TO AUTHORIZE OR DIRECT STATE AGENCIES, LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO AMEND THE LAW REGARDING THE FURNISHING OF DATA AND INFORMATION BY STATE AGENCIES TO LEGISLATIVE COMMITTEES AND COMMISSIONS AND REGARDING INTERIM COMMITTEE ACTIVITY.

December 6, 2001

H.B. 599, AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

H.B. 1284, AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO PROVIDE THAT CERTAIN TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE NOT A PUBLIC RECORD; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 7:51 P.M., to reconvene on Tuesday, May 28, 2002, at 12:00 Noon.

BEVERLY E. PERDUE
President of the Senate

JANET B. PRUITT
Principal Clerk

ADDENDUM
SENATE JOURNAL
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EDITOR'S NOTES

A number of bills and resolutions passed second reading and were read a third time on the same day.

Rule 50 states:

No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

- (1) when a member moves that the Rule be suspended and this motion prevails by at least a two-thirds vote of the membership of the Senate present and voting, or
- (2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

The phrase “without objection” appears throughout the Senate Journal. Upon a motion offered, this reflects a determination by the Chair that there is no objection from a member present, which constitutes unanimous consent, for the order of the Chair.

When a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise the measure is placed on the Calendar for the next legislative day in its regular order of business.

Rule 20(2) of the House of Representatives requires that “*all measures affecting a fee imposed by the State or any subdivision thereof*” are classified roll-call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require the same, the Rule of the House of Representatives is honored and the measures are considered as roll-call measures, unless ruled otherwise by the Presiding Officer.

The Presiding Officer of the Senate rules in a number of instances that “*the bill does not require a call of the roll*” or “*requires a call of the roll.*” The ruling is made pursuant to the following citation which reads:

North Carolina Constitution—Article II

Sec. 23.—*Revenue bills.* No laws shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three

several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

The numerical figures which appear within parentheses throughout the Senate Journal represent the affirmative and negative votes cast and recorded electronically, pursuant to Rule 25. Copies of the voting print-out are on file in the Legislative Library and the original is deposited in the Division of Archives and History of the Department of Cultural Resources.

Janet B. Pruitt
Principal Clerk

CHAPTERED BILLS

The following bills were properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State after the 2001 Session adjourned on December 6:

S.B. 571, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS. (Became law upon approval of the Governor, December 16, 2001 - S.L. 2001-486.)

H.B. 338, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS. (Became law upon approval of the Governor, December 16, 2001 - S.L. 2001-487.)

H.B. 382, AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA. (Became law upon approval of the Governor, December 16, 2001 - S.L. 2001-488.)

H.B. 748, AN ACT TO PROVIDE TRANSITIONAL PROVISIONS FOR THE REPEAL OF THE HIGHWAY USE TAX CAP ON NONCOMMERCIAL MOTOR VEHICLES, TO TEMPORARILY MODIFY THE TAXATION OF HMOs AND MEDICAL SERVICE CORPORATIONS, AND TO CLARIFY THE SALES TAX EXEMPTION FOR PREPARED FOOD. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-489.)

S.B. 68, AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-490.)

S.B. 166, AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND COMMISSIONS, TO AUTHORIZE OR DIRECT STATE AGENCIES, LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO AMEND THE LAW REGARDING THE FURNISHING OF DATA AND INFORMATION BY STATE AGENCIES TO LEGISLATIVE COMMITTEES AND COMMISSIONS AND REGARDING INTERIM COMMITTEE ACTIVITY. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-491.)

S.B. 649, AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY

THE LAW CONCERNING SALVAGE MOTOR VEHICLES. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-492.)

S.B. 721, AN ACT TO AUTHORIZE THE BOARD OF EXAMINERS IN OPTOMETRY AND THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO INCREASE CERTAIN FEES AND TO INCREASE THE COMPENSATION OF BOARD MEMBERS AND TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO INCREASE THE ANNUAL REGISTRATION FEE. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-493.)

H.B. 1268, AN ACT TO MODIFY CERTAIN EXEMPTIONS TO THE THIRTY-FOOT BUFFER REQUIREMENT ALONG PUBLIC TRUST AND ESTUARINE WATERS AND TO PROVIDE THAT FUNDS NECESSARY TO PAY PLANNING GRANTS MADE UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974 MAY BE CARRIED FORWARD TO THE NEXT FISCAL YEAR. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-494.)

S.B. 912, AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-495.)

S.B. 914, AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE- PRIME CONTRACTING, SINGLE- PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-496.)

H.B. 72, AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE, AND TO CAP THE HIGHWAY USE TAX ON CERTAIN RECREATIONAL VEHICLES AT \$1,500 PER VEHICLE. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-497.)

H.B. 110, AN ACT TO ESTABLISH A TRAFFIC CITATION PROCEDURE INVOLVING INDIVIDUALS CLAIMING DIPLOMATIC IMMUNITY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: AUDUBON NORTH CAROLINA; FIRST IN FORESTRY; MILITARY VETERAN; WORLD WAR II

VETERAN, KOREAN CONFLICT VETERAN, AND OTHER MILITARY WARTIME VETERANS FOR WHICH THE U.S. DEPARTMENT OF DEFENSE HAS AUTHORIZED A CAMPAIGN BADGE OR MEDAL; SPECIAL FORCES ASSOCIATION; U.S. NAVY SPECIALTY; THE V FOUNDATION FOR CANCER RESEARCH; HARLEY OWNERS' GROUP; ROCKY MOUNTAIN ELK FOUNDATION; AND SAVE THE SEA TURTLES. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-498.)

H.B. 1427, AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO ESTABLISH THE PROPERTY TAX STUDY COMMISSION. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-499.)

S.B. 990, AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-500.)

S.B. 1038, AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-501.)

H.B. 1061, AN ACT TO CLARIFY THE PROCEDURE UNDER WHICH A LESSOR, IN ORDER TO ENCOURAGE WATER CONSERVATION, MAY ALLOCATE THE COST OF PROVIDING WATER AND SEWER SERVICE AS RENT ON A METERED USE BASIS. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-502.)

H.B. 1144, AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-503.)

H.B. 969, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-504.)

H.B. 1019, AN ACT TO AMEND THE LAWS GOVERNING THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES

UNDER THAT PROGRAM, TO IMPROVE THE PROCESS BY WHICH ON-SITE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS ARE APPROVED AND TO ESTABLISH A SCHEDULE OF FEES APPLICABLE TO APPROVAL OF THOSE SYSTEMS, AND TO REQUIRE THAT ENVIRONMENTAL HEALTH SPECIALISTS BE COVERED UNDER THE STATE'S EXCESS LIABILITY INSURANCE POLICY. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-505.)

H.B. 253, AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY, AND TO REQUIRE AN OWNER TO FILE EVIDENCE OF THE SURRENDER OF TITLE WITH THE REGISTER OF DEEDS. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-506.)

H.B. 1195, AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR, AND TO REALIGN THE SUPERIOR COURT DISTRICTS IN FORSYTH COUNTY. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-507.)

H.B. 168, AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO AMEND THE INDEMNIFICATION PROVISIONS OF THE PATIENT'S BILL OF RIGHTS, TO SUPPORT TROOPS PARTICIPATING IN OPERATIONS ENDURING FREEDOM AND NOBLE EAGLE, AND TO PERMIT LEAVE FOR DISASTER SERVICE VOLUNTEERS. (Became law upon approval of the Governor, December 19, 2001 - S.L. 2001-508.)

S.B. 400, AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES. (Became law upon approval of the Governor, January 4, 2002 - S.L. 2001-509.)

S.B. 470, AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS. (Became law upon approval of the Governor, January 4, 2002 - S.L. 2001-510.)

S.B. 772, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY STANDARDS FOR THE

ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PARENTERAL SEDATION. (Became law upon approval of the Governor, January 4, 2002 - S.L. 2001-511.)

S.B. 1014, AN ACT TO STRENGTHEN THE LITTERING LAWS. (Became law upon approval of the Governor, January 4, 2002 - S.L. 2001-512.)

H.B. 231, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001 AND FOR OTHER PURPOSES. (Became law upon approval of the Governor, January 4, 2002 - S.L. 2001-513.)

H.B. 688, AN ACT TO TAX THE SALES OF FERTILIZERS AND SEED TO NONFARMERS AND TO APPROPRIATE REVENUES FOR TURFGRASS RESEARCH AND EDUCATION AND THE SAVINGS RESERVE ACCOUNT. (Became law upon approval of the Governor, January 4, 2002 - S.L. 2001-514.)

H.B. 948, AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS. (Became law upon approval of the Governor, January 4, 2002 - S.L. 2001-515.)

H.B. 1284, AN ACT TO CREATE A CIVIL PROCEDURE FOR ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD; TO CREATE A NEW FEE FOR FILING A MOTION UNDER G.S. 1-72.1; TO PROTECT CERTAIN RECORDS AND PROCEEDINGS DEALING WITH SENSITIVE PUBLIC SECURITY AND PROTECTION ISSUES; TO PROVIDE THAT CERTAIN TERMS OF CONTRACTS BETWEEN HOSPITALS, HOSPITAL AUTHORITIES, PHYSICIAN OR OTHER MEDICAL PROVIDERS, OR A PHARMACY BENEFIT MANAGER AND THE PLAN ARE NOT A PUBLIC RECORD; AND TO PROVIDE FOR THE CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION. (Became law upon approval of the Governor, January 4, 2002 - S.L. 2001-516.)

H.B. 1388, AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT. (Became law upon approval of the Governor, January 4, 2002 - S.L. 2001-517.)

S.B. 346, AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS. (Became law upon approval of the Governor, January 5, 2002 - S.L. 2001-518.)

H.B. 599, AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE

DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES. (Become law without the approval of the Governor, January 6, 2002 - S.L. 2001-519.)

APPENDIX
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NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G.S. 120-1)

DISTRICTS (Seats)	COUNTIES Townships, Precincts, Census Tracts, Block Groups
1st (1)	BEAUFORT (Townships: Long Acre, Pantego, Washington: Tract 9905 : Block Group 5 [522A, 528A]); BERTIE (Whites, Windsor 2); CAMDEN ; CHOWAN ; CURRITUCK ; DARE ; HYDE ; PASQUOTANK ; PERQUIMANS ; TYRRELL ; WASHINGTON (Plymouth 3, Scuppernon, Skinnersville).
2nd (1)	BERTIE (Colerain 1, 2, Indian Woods, Merry Hill, Mitchells 1, 2, Roxobel, Snakebite, Windsor 1, Woodville); GATES ; HALIFAX (Butterwood, Conococonnara, Enfield 1, 2, 3, Halifax, Hobgood, Hollister, Littleton 1, 2, Palmyra, Roseneath, Scotland Neck 1, 2, Weldon 1, 2, 3); HERTFORD ; NORTHAMPTON ; VANCE (Dabney, Middleburg, Townsville, Williamsboro); WARREN .
3rd (1)	CARTERET (Townships: Atlantic, Beaufort, Cedar Island, Davis, Harkers Island, Harlowe, Marshallberg, Merrimon, Morehead: Tract 9703 : Block Group 4 [437], Tracts 9704, 9705, 9706 : Block Group 1, Block Group 2, Block Group 3 [301A, 302-359], Block Group 4, Tract 9707 , Block Group 6 [601, 602, 621A, 621B, 624A, 625A, 626A, 627A, 628A, 629A, 630-648, 649A, 650-663], Tract 9708 : Block Group 4: [401A, 459A, 460-463], Newport, Portsmouth, Sea Level, Smyrna, Stacy, Straits, White Oak: Tract 9708 : Block Group 1 [101B, 102, 103C, 105-126, 130B, 139B], Block Group 2 [201, 203, 204], Block Group 4 [401C, 403-409, 410A, 410B, 410C, 411A, 411B, 411C, 412-414, 415A, 415B, 416, 417A, 417B, 418, 419A, 419B, 420A, 420B, 420C, 421-423, 424A, 424B, 425-444, 445A, 445B, 446-447, 448A, 448B, 449, 450A, 450B, 451-454, 455A, 455B, 456-457, 458B]); CRAVEN ; PAMLICO .
4th (1)	CARTERET (Townships: Morehead: Tract 9709 : Block Group 1 [108-124, 125A, 125B, 126-140], Block Group 2 [201A, 201C, 201D, 202-212], Tracts 9710, 9711, 9711.99, 9712 , White Oak: Tract 9708 : Block Group 2 [202, 205-256], Block Groups 3, 5, 6, 7, Tract: 9709 : Block Group 1 [101-107, 141-154], Block Group 2 [201B], Block Groups 3, 4, 5, 6 [601-665]); NEW HANOVER (Cape Fear 2, 3, Federal Point 1, 2, 3, Harnett 2, 3, 4, 5, 6, 7, Masonboro 2, 3, 4, 5, Wilmington 8, 11, 12, 13, 14, 16, 17, 18, Wrightsville Beach); ONslow (Bear Creek, Catherine Lake, Cross Roads, Folkstone: Tract 4 : Block Group 3 [301A, 301B, 302A, 302B, 303A, 303B, 304, 305A, 305B, 306A, 306B, 307, 308, 309A, 309B, 310, 311A, 311B, 312-318, 320-330, 340-347, 352-354, 362, 363], Holly Ridge: Tract 4 : Block Group 4 [401A, 401B], Hubert, Mortons, Sneads Ferry: Tract 4 : Block Group 3 [319], Swansboro, Tar Landing, Verona: Tract 3 : Block Group 2 [216], Block Group 3: [301A, 301B, 302, 303A, 303B, 304A, 304B, 305, 306, 307A, 307B, 308, 309A, 309B, 310A, 310B, 313A, 313C, 314-325], Block Group 4 [425-431, 433-435]; Camp Lejeune Military Base 13); PENDER (Scott's Hill, Surf City, Lower Topsail, Upper Topsail).

DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

- 5th (1) **DUPLIN; JONES** (Chinquapin, Cypress Creek, Tuckahoe); **ONslow** (Brynn Marr, Harris Creek, Haw Branch, Haws Run: **Tract 4:** Block Group 4 [408], Gum Branch, Half Moon: **Tract 12:** Block Group 1 [101B, 102B, 108B, 109B, 110–118, 128–132, 136, 137], Jacksonville, East Northwoods, West Northwoods, Richlands); **PENDER** (North Burgaw, Middle Holly: **Tract 9802:** Block Group 1 [112A, 113A, 124, 129A, 130A, 131A, 132–138, 163, 164, 191–195], Upper Holly: **Tract 9803:** Block Group 1 [101A], Long Creek, Penderlea, Rocky Point, Lower Union); **SAMPSON** (Autryville, Clement, Central Clinton, East Clinton, Northeast Clinton, Southwest Clinton, West Clinton, Garland, Harrells, Herring, Ingold, Keener, Mingo, Plainview, Rowan, Salemburg, Turkey).
- 6th (1) **EDGEcombe** (Precincts: 1–1, 1–2, 1–3, 1–4, 2–1, 3–1, 4–1, 5–1, 6–1, 7–1, 8–1, 10–1, 11–1, 12–1, 12–2, 12–4, 12–5); **MARTIN** (Goose Nest, Hamilton, Hassell, Jamesville, Poplar Point, Robersonville 1, 2, Williams, Williamston 1, 2. **Tract: 9704:** Block Group 2 [202], **Tract 9705:** Block Group 4 [413], **Tract 9706:** Block Group 1 [168A]); **PITT** (Arthur, Belvoir, Bethel, Falkland, Farmville East, Farmville West, Fountain; Precincts: Greenville 1, 2, 2 (noncontiguous), 3, 4); **WASHINGTON** (Lees Mill, Plymouth 1, 2); **WILSON** (Gardners; Precincts: Wilson B, E, F, G, H, N, Q).
- 7th (1) **JONES** (Beaver Creek, Pollocksville, Trenton, White Oak); **LENOIR** (Kinston 1, 2, 6, 7, 8, Southwest); **NEW HANOVER** (Cape Fear 1, Wilmington 1, 2, 3, 6, 7, 9, 10, 15); **ONslow** (Holly Ridge: **Tract 4:** Block Group 3 [331–339, 348–351, 355–361, 364], Block Group 4 [402–407, 409–426, 427A, 427B, 428–429, 430A, 430B, 431A, 431B, 432–434, 435A, 435B, 435C, 436A, 436B, 437A, 437B, 438–490, 491A, 491B, 492, 493A, 493B, 494–497], Mills: **Tract 1:** Block Group 1 [101–103, 104B, 105–112, 114, 115, 119, 120, 125B, 129B, 133, 134B, 135B, 136, 137B], New River, Northeast, Verona: **Tract 3:** Block Group 4 [432]. **VTD ZZZZ:** **Tract 1:** Block Group 1 [104A, 125A, 126–128, 129A, 130–132, 134A, 135A, 137A, 138, 139A, 140–143, 144A, 144B, 144C, 145–168, 169A, 170, 171A, 172–176, 177A, 177B, 178, 179, 185, 186, 196A, 196B, 197A, 197B], **Tract 2:** Block Group 6 [627A, 628, 629A, 629B, 630A, 631–633, 634A, 635A, 648A, 649A], **Tract 12:** Block Group 1 [101A, 102A, 103–106, 107A, 108A, 109A], **Tract 13:** Block Group 1 [107]; Camp Lejeune Military Bases 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14); **PENDER** (South Burgaw, Canetuck, Caswell, Columbia, Grady, Upper Holly: **Tract 9802:** Block Group 1 [101–105, 106A, 107A, 114–123, 125–128, 139–162, 165–180, 181A, 182–190, 196, 197], Block Group 2 [201A, 201B, 220], Upper Union).
- 8th (1) **GREENE; LENOIR** (Neuse, Pink Hill 1, 2, Trent 1, 2, Woodlinton); **WAYNE**.

DISTRICTS
(Seats)COUNTIES
Townships, Precincts, Census Tracts, Block Groups

- 9th (1) **BEAUFORT** (Townships: Bath, Chocowinity, Richland, Washington: **Tract 9902**: Block Group 1 [129B, 130B, 131–156, 157B, 158B, 159B, 160B, 175B, 176B, 185B, 186B, 187B, 189–191, 197], Block Group 2, **Tracts: 9903, 9904**); **LENOIR** (Contentnea, Falling Creek, Institute, Kinston 3,4,5,9, Moseley Hall, Sandhill, Vance); **MARTIN** (Beargrass, Cross Roads, Griffins); **PITT** (Ayden East, Ayden West, Carolina, Chicod, Greenville 5,6,7,8,9,10,11,12,13, Grifton, Grimesland, Pactolus, Simpson, Swift Creek, Winterville East, Winterville West).
- 10th (1) **EDGECOMBE** (Precincts: 9–1, 12–3, 13–1, 14–1); **HALIFAX** (Faucett, Ringwood, Roanoke Rapids 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11); **NASH**; **WILSON** (Black Creek, Saratoga, Stantonsburg, Toisnot, Wilson A, C, D, I, M).
- 11th (1) **FRANKLIN**; **JOHNSTON** (North Beulah, East Clayton, West Clayton, Cleveland, North O’Neals, South O’Neals, East Selma, West Selma, East Smithfield, North Smithfield, West Smithfield, Wilders, Wilson’s Mills); **VANCE** (East Henderson, I, II, North Henderson I, II, South Henderson I, II, West Henderson I, IIA, IIB, Hilltop, Kittrell, Sandy Creek, Watkins); **WILSON** (Cross Roads, Old Fields, Spring Hill, Taylors, Wilson J,K,L,P).
- 12th (2) **ALLEGHANY**; **ASHE**; **GUILFORD** (North Madison, South Madison, Stokesdale, North Washington, South Washington); **ROCKINGHAM**; **STOKES**; **SURRY**; **WATAUGA**.
- 13th (2) **DURHAM**; **GRANVILLE**; **PERSON** (Allensville, Cunningham–Chub Lake, Holloway, Mt. Tirzah, Roxboro City #1, 1A, 2, 3, 4, Woodsdale); **WAKE** (Buckhorn, Cedar Fork, House Creek #1, Leesville #1, 3, New Light #2, White Oak #2).
- 14th (2) **JOHNSTON** (North Elevation, South Elevation, Pleasant Grove); **WAKE** (Holly Springs, Little River 1, 2, Marks Creek 1, 2, Middle Creek 1, 2, Panther Branch, Raleigh 01–01 through 01–07, 01–09 through 01–23, 01–26, 01–27, 01–27 (part), 01–28 through 01–46, St. Mary’s 1, 2, 3, 4, 6, 7, St. Matthews 1, 2, 3, 4, Wake Forest 1, 2).
- 15th (1) **HARNETT**; **JOHNSTON** (North Banner, South Banner, West Banner, Bentonville, South Beulah, North Boon Hill, South Boon Hill, East Ingrams, West Ingrams, North Meadow, South Meadow, Micro, Pine Level); **LEE** (Cape Fear, Cumnock, Deep River, Jonesboro, East Sanford, West Sanford 1, 2, 3); **SAMPSON** (Kitty Fork, Newton Grove, Giddensville, Westbrook).
- 16th (2) **CHATHAM**; **LEE** (Greenwood, East Pocket, West Pocket); **MOORE**; **ORANGE**; **RANDOLPH**(Armory, North Asheboro, East Cedar Grove, West Cedar Grove, Coleridge, Deep River, Eastside, Falls, Franklinville, Grant, Liberty, Lindley Park, Loflin, McCrary, New Hope, Providence, East Ramseur, West Ramseur, East Randleman, West Randleman, Richland, South Pointe, Staley, Union, Westside, Worthville).
- 17th (2) **ANSON**; **HOKE** (Buchan, Fort Bragg, Puppy Creek, McCain, Rockfish); **MONTGOMERY**; **RICHMOND**; **SCOTLAND**; **STANLY** (For Township: Almond—see District 22); **UNION**.

DISTRICTS (Seats)	COUNTIES Townships, Precincts, Census Tracts, Block Groups
18th (1)	BLADEN (For Townships: Hollow, White Oak—see District 30); BRUNSWICK; COLUMBUS; NEW HANOVER (Wilmington 4, 5).
19th (1)	DAVIDSON (Abbotts Creek, Thomasville 8); GUILFORD (Bruce, Clay, North Center Grove, South Center Grove, Deep River, Fentress 1, 2, Friendship–1, Greene, Jamestown–3, Oak Ridge, Greensboro 20, 27A, 27B, 27C, 34A, 37A, 37B, 39, 41A, High Point 8, 16, 20, 23, 24); RANDOLPH (East Archdale, West Archdale, Back Creek, Concord, Level Cross, North New Market, South New Market, Prospect, Tabernacle, East Trinity, West Trinity).
20th (2)	FORSYTH (For Clemmonsville 2, 3—see District 38).
21st (1)	ALAMANCE; CASWELL; PERSON (Bushy Fork, Flat River, Hurdle Mills, Olive Hill).
22nd (1)	CABARRUS; ROWAN (Blackwelder Park, Bostian School, Bradshaw, S. China Grove, Enochville, East Kannapolis, West Kannapolis, East Landis, West Landis, Locke, Steele); STANLY (Township: Almond).
23rd (1)	DAVIDSON (Boone, Central, Cotton, Southmont, Lexington 1, 2, 4, Ward 1, 2, 3, 4, 5, 6, Tyro, Silver Hill); IREDELL (Barringer, Coddle Creek 1, 2, 3, Cool Springs, Eagle Mills, New Hope, Olin, Statesville 3, 4, 5, 6, Turnersburg, Union Grove); ROWAN (Cleveland, Faith (noncontiguous), Franklin, Hatters Shop, Milford Hills, Mt. Ulla, West Innes, Scotch Irish, Spencer, East Spencer, Trading Ford, Trading Ford (noncontiguous A), Unity, East Ward I, II, North Ward I, II, South Ward, West Ward I, II, III).
24th (1)	CUMBERLAND (Alderman, Black River, Brentwood, Cedar Creek, Cross Creek 4, 7, 8, 9, 10, 11, 12, 14, 15, 18, 20, 21, 22, 23, Cumberland 1, 2, Hope Mills 1, Judson, Linden, Long Hill, Manchester, Montclair, Pearces Mill 2, 3, 4, Seventy First 2, 3, Sherwood, Stedman, Vander, Wade).
25th (1)	CLEVELAND (Falston, Lawndale, Polkville, Shelby 4); GASTON (Armstrong, Ashbrook, Bessemer City 1, 2, Cherryville 1, 2, 3, Crowders Mtn., Dallas 1, 2, Firestone, Flint Groves, Gardner Park, Grier, Health Center, Highland, Landers Chapel, Memorial Hall, Lowell, McAdenville, Myrtle, Ranlo, Robinson, Sherwood, Tryon, Woodhill, Victory); LINCOLN (Crouse, Heavners, Lincolnton/North, Lincolnton/South, Lithia, Love Memorial, Long Shoals, North Brook I/II).
26th (1)	CATAWBA; LINCOLN (Asbury, Boger City, Buffalo Shoals, Daniels/Vale, Hickory Grove, North Brook III, Pumpkin Center).
27th (2)	ALEXANDER; AVERY; BURKE (Drexel 1, 2, 3, Icard 1, 2, 3, 4, 5, Jonas Ridge, Linville1, Lovelady 1, 2, 3, 4, Lower Creek, Lower Fork, Morganton 7, Smoky Creek, Upper Creek, Upper Fork); CALDWELL; MITCHELL; WILKES; YADKIN .
28th (2)	BUNCOMBE (For Broad River, Fairview, Limestone 2—see District 42); BURKE (Linville 2, Morganton 1, 3, 4, 5, 6, 8, 9, 10, Quaker Meadow 1, 2, Silver Creek 1, 2, 3, 4); MADISON; McDOWELL; YANCEY .

DISTRICTS

COUNTIES

(Seats)

Townships, Precincts, Census Tracts, Block Groups

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- 29th (1) **HAYWOOD** (For Townships: Cecil, Pigeon—see District 42); **HENDERSON** (Armory, Brickton, Brickton (noncontiguous), North Blue Ridge, Clear Creek, Hendersonville 1, 2, 3, Long John Mountain, Moores Grove, Northeast, Northwest (noncontiguous), North Mills River, South Mills River, Pisgah View); **JACKSON** (For Township: Cashiers—see District 42); **MACON** (Townships: Cowee, Franklin: **Tract 9702**: Block Group 1 [101B, 110C, 120–129, 130B, 131–140], Block Group 2 [216C], **Tract 9703**: Block Groups 1, 2, 3 [302A, 302B, 304, 307, 308, 309A, 309B, 310A, 310B, 310C, 311–314, 315A, 315B, 316, 317A, 317B, 318–321], Block Groups 4, 5, 6 [601–605, 606A, 607A, 607B, 608, 609A, 610, 611, 612A, 622, 623, 634–637], Block Groups 7, 8 [801B, 802, 804–828], **Tract 9704**: Block Group 1 [160A, 161A, 162A, 164–166], Block Group 2 [218A, 218B, 220, 221A, 221B], **Tract 9706**: Block Group 1 [101–125, 126A], Block Group 2 [201–210, 211B, 211C, 212–226, 227A, 228–238, 239A, 241, 242, 243A, 244A, 245A, 246–251, 252A, 253, 254A, 257–259], Block Group 3 [301C, 306B, 307B, 311A, 312, 313A, 314, 315, 321B], Block Group 4 [408B, 413], **Tract 9707**: Block Group 1 [111B, 112B, 113–118, 119B, 120B, 121B, 123, 136B, 139–141], Block Group 2 [205–207, 210–222], Block Group 3 [301–312, 313A, 314–318, 319A, 320, 321A], Block Group 4 [401B, 401C, 404B, 411A]); **SWAIN**; **TRANSYLVANIA** (Townships: Boyd, Brevard).
- 30th (1) **BLADEN** (Townships: Hollow, White Oak); **CUMBERLAND** (Beaver Dam, Hope Mills 2); **HOKE** (Allendale, Antioch, Blue Springs, Raeford 1, 2, 3, 4, 5, Stonewall); **ROBESON**; **SAMPSON** (Roseboro, Lakewood).
- 31st (1) **GUILFORD** (Gibsonville, Jamestown 1, 2, North Jefferson, South Jefferson, North Monroe, South Monroe, North Sumner, South Sumner, Whitsett, (GIB–G), Greensboro 3, 4, 5, 6, 7, 8, 9, 19, 25, 29, 30, 42, 44, 45, High Point 3, 5, 6, 7, 11, 12, 13, 18, 21, 22).
- 32nd (1) **GUILFORD** (Friendship–2, Greensboro 1, 2, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24A, 24B, 24C, 26A, 26B, 28, 31, 32, 33, 34B, 35A, 35B, 35C, 36, 38, 40A, 40B, 41B, 43, High Point 1, 2, 4, 9, 10, 14, 15, 17, 19).
- 33rd (1) **MECKLENBURG** (Long Creek 2, Charlotte Precincts: 11, 12, 13, 14, 16, 16 (part), 22, 25, 27, 31, 39, 41, 42, 50, 52, 54, 55, 56, 57, 58, 59, 73, 75, 76, 77, 87, 92, 93, 97, 98).
- 34th (1) **IREDELL** (Davidson 1) **LINCOLN** (Lowesville, Triangle); **MECKLENBURG** (Berryhill, Cornelius, Crab Orchard 2, Davidson, Huntersville, Lemly, Long Creek 1–North, Long Creek 1–South, Mallard Creek 1, 1 (part), 2, XMallard Creek–2 (noncontiguous), Oakdell, Paw Creek 1, 2, Steel Creek 1, 2, Charlotte Precincts: 4, 23, 24, 26, 40, 53, 60, 78, 79, 80, 81, 82, 89, 105).
- 35th (1) **MECKLENBURG** (Clear Creek, Matthews 1, 2, 3, 4, Mint Hill 1, 2, 3, Pineville, Providence 1, 2, 3, Charlotte Precincts: 8, 19, 32, 36, 47, 48, 65, 66, 67, 68, 69, 70, 71, 72, 74, 83, 85, 86, 88, 90, 91, 93 (part), 94, 96, 100, 102).

DISTRICTS (Seats)	COUNTIES Townships, Precincts, Census Tracts, Block Groups
36th (1)	WAKE (Bartons Creek 1, 2, Cary 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, House Creek 2, 3, 4, 5, 6, Leesville 2, Meredith, Neuse 1, 2, New Light 1, St. Marys 5, Swift Creek 1, 2, 3, 4, White Oak 1).
37th (1)	CLEVELAND (Bethware, Boiling Springs, Casar, Grover, Holly Springs, East Kings Mountain, West Kings Mountain, Lattimore, Mooresboro–Youngs, Mulls, Pearl, Shanghai, Shelby 1, 2, 3, 5, 6, 7, Waco); RUTHERFORD .
38th (1)	DAVIDSON (Alleghany, Arcadia, Denton, Emmons, Hampton, Healing Springs, Holly Grove, Jackson Hill, Lexington 3, Liberty, Midway, Reeds, Reedy Creek, Silver Valley, Thomasville 1, 2, 3, 4, 5, 7, 9, 10, Welcome, Yadkin College); DAVIE ; FORSYTH (Clemmons 2, 3); ROWAN (Barnhardt Mill, Bostian Crossroads, N. China Grove, Faith, Gold Knob, Granite Quarry, Morgan I, II, Rockwell, Sumner).
39th (1)	GASTON (Alexis, Belmont 1, 2, 3, Catawba Heights, Cramerton, High Shoals, Forest Heights, Gaston Day, South Gastonia, Lucia, Mt. Holly 1, 2, New Hope, Southpoint, Stanley 1, 2, Union); IREDELL (Bethany, Chambersburg, Coddle Creek 4, Concord, Davidson, Fallstown, Sharpesburg, Shiloh, Statesville 1, 2); LINCOLN (Denver, Iron Station, Salem, Westport).
40th (1)	MECKLENBURG (Crab Orchard 1, Charlotte Precincts: 1, 2, 3, 5, 6, 7, 9, 10, 15, 17, 18, 20, 21, 28, 29, 30, 33, 34, 35, 37, 38, 43, 44, 45, 46, 49, 51, 61, 62, 63, 64, 84, 95, 104.)
41st (1)	CUMBERLAND (Beaver Lake, Cottonade, Cross Creek 1, 2, 3, 5, 6, 13, 16, 17, 19, 24, Eastover, Morganton Road 1, 2, Spring Lake, Seventy First 1, Westarea).
42nd (1)	BUNCOMBE (Broad River, Fairview, Limestone 2); CHEROKEE ; CLAY ; GRAHAM ; HAYWOOD (Townships: Cecil, Pigeon); HENDERSON (Bat Cave, South Blue Ridge, Bowmans Bluff, Crab Creek, Edneyville, Etowah, Flat Rock, Fletcher, Green River, Grimesdale, Hoopers Creek, Horse Shoe, Laurel Park, Northwest, Park Ridge, Raven Rock, Rugby, Southeast, Southwest, Valley Hill); JACKSON (Township: Cashiers); MACON (Townships: Burningtown, Cartoogechaye, Ellijay: Tract 9706 : Block Group 2 [211A], Flats, Franklin: Tract 9703 : Block Group 6 [606B, 607C, 609B, 612B, 612C, 612D, 613–618, 619A, 619B, 620, 621, 624–631, 632A, 632B, 633A, 633B], Block Group 8 [829–831, 832B], Tract 9707 : Block Group 1 [101–109, 110B], Block Group 2 [201A, 201B, 201C, 202A, 202B, 202C, 202D, 203, 204, 208, 209], Highlands, Millshoal, Nantahala, Smiths Bridge, Sugar Fork: Tract 9706 : Block Group 3 [301E, 304B, 337B, 339B, 340B, 343–369]); POLK ; TRANSYLVANIA (Townships: Catheys Creek, Dunns Rock, Eastatow, Gloucester, Hogback, Little River).

SENATE RESOLUTIONS

FIRST SESSION 2001

Adopted February 21, 2001 (See page 104)

S.R. 103, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

SECTION 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Education/Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees for each opening in each category of seats on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina through March 8, 2001. A Senator may propose as a candidate for nomination as many persons in a category as there are positions to fill in a category. In 2001 the total number of positions is eight. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate. Only a written nomination on a form provided by the cochairs of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk on or after Wednesday, February 7, 2001, and no later than 5:00 P.M. on Thursday, March 8, 2001, shall constitute formal proposal of a candidate. Delivery of a nomination form by facsimile transmission shall not constitute a formal proposal of a candidate. An individual cannot be a candidate for nomination or be nominated in more than one category.

3. A Senator may propose candidates for nomination only for the categories available for election by the Senate. In the 2001 Session of the General Assembly, the Senate will elect:

- (a) Four persons in the at-large category, for four-year terms;
- (b) Two persons in the minority race category, for four-year terms; and
- (c) Two persons in the woman category, for four-year terms.

4. On or after March 9, 2001, the Senate Committee shall list all proposed candidates for nomination by category. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated for each category. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall vote on each candidate proposed for nomination. If a sufficient number of nominees who are legally qualified are submitted in a category, then the slate of candidates shall list at least twice the number of candidates for the total seats open in a category. A candidate for nomination that receives the vote of a majority of those members of the Senate Committee present and voting shall become a nominee on the Senate ballot.

5. The cochairs of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the cochair of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged: (i) by category; and (ii) within each category, alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on March 15, 2001. Before the voting begins, one of the cochair of the Senate Committee shall explain the voting rules, which are:

- (a) No nomination shall be received from the floor.
- (b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting in the nominee's category.
- (c) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.
- (d) If fewer than two nominees in the minority race or the woman categories, or if fewer than four nominees in the at-large category receive the votes of a majority of all members present and voting for positions in those categories, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest number of votes cast in each category; and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.
- (e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.
- (f) If more than two nominees in the minority race or the woman categories, or if more than four nominees in the at-large category receive the votes of a majority of all members present and voting for positions in that category, then the two nominees in the minority race or the woman categories, or the four nominees in the at-large category receiving the highest number of votes in that category shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for the following:

- (a) Four persons in the at-large category, for four-year terms;
- (b) Two persons in the minority race category, for four-year terms; and
- (c) Two persons in the woman category, for four-year terms.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The cochair of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the cochair of the Senate Committee have determined that the Senate has chosen two members from the minority race category, two members from the woman category, and four members from the at-large category to serve as members of the Board of Governors for terms of four years, the President of the Senate shall declare those eight persons to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the cochairs of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and the category and term for which each person was elected.

SECTION 2. As used in this resolution, the term "cochairs" means the Senior Chair and the Cochairs of the Senate Committee.

SECTION 3. This resolution is effective upon adoption.

Adopted March 1, 2001 (See page 128)

S.R. 267 A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING ONE AT-LARGE MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

SECTION 1. The following procedures for nominating and electing one member of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Education/Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees to be elected by the Senate to fill a vacant seat on the Board of Governors in the at-large category for the remainder of the unexpired term that ends on June 30, 2003.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina through March 8, 2001. Each Senator may nominate one person. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate. Only a written nomination on a form provided by the cochairs of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk no later than 5:00 P.M. on Thursday, March 8, 2001, shall constitute formal proposal of a candidate. Delivery of a nomination form by facsimile transmission shall not constitute a formal proposal of a candidate.

3. In addition to any candidates a Senator may propose for election to the Board of Governors under Senate Resolution 103, a Senator may propose one candidate for nomination for the unexpired term for the at-large category available for election by the Senate. Due to a vacancy, the Senate shall elect in the 2001 Session of the General Assembly one at-large member for the remainder of the unexpired term that expires on June 30, 2003.

4. On or after March 9, 2001, the Senate Committee shall list all proposed candidates for nomination to the at-large member for the unexpired term that expires on June 30, 2003. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated for each category. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall vote on each candidate proposed for nomination. If a sufficient number of nominees who are legally qualified are submitted in a category, then the slate of candidates shall list at least twice the number of candidates for the total seats open in a category. A candidate for nomination that receives the vote of a majority of those members of the Senate Committee present and voting shall become a nominee on the Senate ballot.

5. The cochairs of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the cochairs of the Senate Committee for the use of the Senate. The ballot shall include the nominees selected by the Senate Committee pursuant to Senate Resolution 103 and the nominees selected by the Senate Committee under this resolution.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged: (i) by category; and (ii) within each category, alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on March 15, 2001. Before the voting begins, one of the cochairs of the Senate Committee shall explain the voting rules, which are:

- (a) No nomination shall be received from the floor.
 - (b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting in the nominee's category.
 - (c) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.
 - (d) If fewer than two nominees in the at-large category to fill the unexpired term receive the votes of a majority of all members present and voting for that position, a runoff to fill the open position shall be conducted among the nominees who were not elected but who received the highest number of votes cast in that category; and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.
 - (e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.
4. The Senators shall proceed to mark their ballots
- (a) One person in the at-large category, to fill the unexpired term that will expire on June 30, 2003; and
 - (b) Pursuant to Section 1.II.4. of Senate Resolution 103.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The cochairs of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the cochairs of the Senate Committee have determined that the Senate has chosen one member from the at-large category to the Board of Governors for the remainder of the unexpired term that expires on June 30, 2003, the President of the Senate shall declare that person to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the cochairs of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the

names of the persons elected by the Senate and the category and term for which each person was elected.

SECTION 2. As used in this resolution, the term "cochairs" means the Senior Chair and the Cochairs of the Senate Committee.

SECTION 3. This resolution is effective upon adoption.

Adopted September 18, 2001 (See pages 1063-1067)

S.R. 1105 A SENATE RESOLUTION HONORING THOSE AMERICANS WHO DIED AS A RESULT OF THE EVENTS OF SEPTEMBER 11, 2001, AND EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO BRING THESE SPONSORS OF TERRORISM TO JUSTICE.

Whereas, on September 11, 2001, terrorists hijacked four civilian, commercial airplanes and killed and injured thousands of innocent people by crashing two of the airplanes into the towers of the World Trade Center in New York City, a third into the Pentagon outside Washington, D.C., and a fourth into the countryside of rural Pennsylvania; and

Whereas, the victims of those acts of unspeakable cruelty and barbarous terrorism include the passengers and crew of the four aircraft, persons working in and visiting the World Trade Center and the Pentagon, bystanders, and the heroic rescue workers who selflessly rushed to their aid; and

Whereas, the victims of this tragedy included not only American citizens but hundreds of innocent citizens of other countries; and

Whereas, thousands of victims remain missing, leaving their families in agonizing uncertainty as they cling to the hope that their loved ones may yet be rescued; and

Whereas, these attacks destroyed both towers of the World Trade Center as well as adjacent buildings, seriously damaged the Pentagon, and caused extensive additional property and economic damage; and

Whereas, these attacks were the deadliest and most extensive terrorist attacks ever launched against the United States of America; and

Whereas, as a result of these attacks, countries around the world share a sense of profound loss and unfathomable grief; and

Whereas, the entire nation responded to these attacks with a resolve to protect our democratic ideals, preserve life, assist one another, and support our nation; and

Whereas, hundreds of rescue workers, including firefighters, police officers, emergency personnel, clergy, and other volunteers, have demonstrated and are demonstrating great character, courage, and selflessness during this time of national tragedy by risking and, in many cases, giving their lives to try to save the lives of others; and

Whereas, the passengers of one of the doomed aircraft gave the nation and world a vision of valor and strength by thwarting the efforts of the hijackers to use the airplane as a missile to murder others on the ground; and

Whereas, many other victims both in the air and on the ground showed tremendous strength and fortitude in reaching out to their loved ones in their final minutes of life; and

Whereas, the events of September 11, 2001, have united our country with a stronger bond than we have had for decades, a bond which is evident in the services of prayer, the candlelight vigils, and the American flags displayed with pride and patriotism; a bond that transcends religious and political affiliations; and

Whereas, the nation has demonstrated to the entire world the strength, courage, dignity, honor, and compassion that flourish in the United States; and

Whereas, thousands of grieving and proud Americans have reached out and given of themselves to help the victims of the tragedy and have given their lives, their blood, their

money, and their prayers, thereby showing the world the best face of America, a face of courage and compassion; and

Whereas, the citizens of the United States are rushing to lend their efforts, their resources, and their voices to the nation in ways large and small; Now, therefore, Be it resolved by the Senate:

SECTION 1. The Senate of North Carolina:

- (1) Honors and extends its deepest sympathy to the victims of the attacks against the United States of America on September 11, 2001, as well as to their families and loved ones;
- (2) Extends its deepest sympathy to those countries who lost citizens of their own in this terrible tragedy, and especially to the families of these victims;
- (3) Condemns those responsible for the heinous and barbaric acts committed on September 11, 2001, as well as all terrorists who engage in evil and heinous acts against innocent people;
- (4) Supports the continuing rescue efforts, acts of charity, and demonstrations of national unity by the American citizens;
- (5) Commits to the process of recovering and rebuilding New York City, the Pentagon, and the confidence and security of our nation as a whole;
- (6) Commends the heroic and selfless actions of the rescue workers, volunteers, clergy, and government officials who responded to these tragic events with courage, compassion, and skill;
- (7) Applauds all the citizens of the United States who have joined together, prayed, and given of themselves to show the world that the spirit of our nation will not be destroyed by those who commit evil and senseless acts of violence;
- (8) Thanks those foreign leaders and individuals who have expressed solidarity with the United States in the aftermath of the attacks and asks them to continue to stand with the United States in our struggle against terrorism;
- (9) Supports the President, Congress, and all of our nation's leaders in their efforts to bring to justice and punish the perpetrators of these attacks as well as their sponsors;
- (10) Thanks and honors the men and women of our Armed Forces and Armed Forces Reserves who have risked their lives to defend our rights, liberties, and way of life in America, both in the past and now in this time of crisis; and
- (11) Thanks the leaders of our State and our State's law enforcement agencies for ensuring the safety of the citizens of North Carolina and applauds all the people of our State for their support of and contributions to the rescue and recovery efforts.

SECTION 2. The Principal Clerk of the Senate shall transmit a certified copy of this resolution to the President of the United States.

SECTION 3. This resolution is effective upon adoption.

EXECUTIVE ORDERS
of the
GOVERNOR OF THE STATE
OF NORTH CAROLINA

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B. 1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued following adjournment of the Second Session of the 1999 General Assembly on July 13, 2000.

The full text of Executive Orders 173 through 179 issued by Governor James B. Hunt, Jr., and Executive Orders 1 through 13 issued by Governor Michael F. Easley can be found in the Session Laws of the 2001 General Assembly.

Executive Order	Title	Date of Issuance
173	Implementation of the Interim North Carolina Emergency Operations Plan Dated July 2000.	September 5, 2000
174	Extending Executive Order No. 48 Executive Order No. 48 , Concerning the State Commission on National and Community Service.	November 8, 2000
175	Extending Executive Order No. 157 Executive Order No. 157 , Mentoring Council.	November 8, 2000
176	Suspension of Rules and Regulations Limiting the Hours Operators of Commercial Vehicles may Drive.	December 22, 2000
177	Emergency Relief for the State of Arkansas.	December 28, 2000
178	Suspension of Rules and Regulations Limiting the Hours Operators of Commercial Vehicles may Drive.	December 29, 2000
179	Extending Executive Order No. 88 Executive Order No. 88 , Regarding the Statewide Flexible Benefits Program.	December 29, 2000
1	The North Carolina Board of Ethics.	January 12, 2001
2	Extending Executive Order Nos. 176 and 178 Issued by Governor James B. Hunt, Jr. Executive Order 176 , Suspension of Rules and Regulations Limiting the Hours Operators of Commercial Vehicles may Drive. Executive Order 178 , Suspension of Rules and Regulations Limiting the Hours Operators of Commercial Vehicles may Drive	January 19, 2001

- | | | |
|----|---|------------------|
| 3 | Budget and Administration. | February 8, 2001 |
| 4 | Clemency. | March 6, 2001 |
| 5 | Equal Employment Opportunity. | March 8, 2001 |
| 6 | Amending Executive Order No. 25 Concerning Regional Policy for North Carolina. | April 24, 2001 |
| 7 | Teacher Advisory Committee. | July 6, 2001 |
| 8 | Transfer of Hurricane Floyd Relief Programs to the Department of Crime Control and Public Safety. | July 6, 2001 |
| 9 | Temporary Suspension of Motor Vehicle Regulations in order for Utility Vehicles to Respond to Natural Disasters and Other Emergencies. | July 6, 2001 |
| 10 | Amending Governor Hunt's Executive Order No. 136 Concerning the Governor's Advisory Council on Hispanic/Latino Affairs. | July 6, 2001 |
| 11 | Implementation of the State Disaster Assistance Programs for A Type Disaster for Madison County. | August 7, 2001 |
| 12 | Extending Executive Order No. 48
Executive Order No. 48, Concerning the State Commission on National and Community Service. | October 9, 2001 |
| 13 | Governor's Task Force for Healthy Carolinians | October 9, 2001 |
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January 24, 2001 (See page 6)

**ENKA HIGH SCHOOL
AIR FORCE JUNIOR ROTC CADETS**

Cadet Colonel Anthony T. Brown
Cadet Colonel Vanessa K. Vinson
Cadet Major Kenneth M. Towe
Cadet Major Marissa L. Kaufman
Cadet Major Michael D. Hensley

Alternate-

Cadet Lieutenant Colonel Jonathan S. Blaylock

Master Sergeant Mark D. Mabe, Instructor

WINSTON-SALEM STATE UNIVERSITY CHOIR

Philip Harris	Bridgett A. Terry
Antonio Covington	Ebony N. Wilson
Curtis Norman	Victoria J. James
Isaac A. West	Kia A. Baird
Daniel D. Gales	Laura B. Sanders
Sean Wilson	Kaiyouna K. Young
Franklin Poe	Claresa Simmons
Dion Crimson Clark	Stephanie Price
Gerald Nixon	Shemaine Ashley Fox
Stacie L. Alston	Regina Ronishea White
Tracie L. Alston	LaToya Penson
Helen E. Massey	Bona Gilliam
Marketa K. Taylor	Barbara J. Rhue
Delonda Hansford-Lassiter	Mia Jamison

RESOLUTIONS FROM OTHER STATES

GENERAL ASSEMBLY OF VIRGINIA—2001 SESSION

HOUSE JOINT RESOLUTION NO. 651

Expressing the commitment of the Commonwealth to the principles represented by the Electoral College.

Agreed to by the House of Delegates, January 24, 2001

Agreed to by the Senate, February 14, 2001

WHEREAS, the remarkable events of the presidential election of 2000 summon all Virginians, of whatever political party or persuasion, to a renewed reflection on the principles of republican government and its ability to extend political liberty to a diverse and complex society; and

WHEREAS, the United States consists of one democratic people whose passion for political liberty is best preserved through republican and federal forms of government—including the election of the President; and

WHEREAS, the democratic interest is exercised through the ballot and the federal structure of our government is represented by the Electoral College; and

WHEREAS, the genius of the Electoral College was admirably defined by Virginia's James Madison in the *Federalist*, number 39:

“The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society.”; and

WHEREAS, the dynamics of the Electoral College reflect the diversity of the nation and the healthy tension between the less populous vast regions of the United States and the urban centers embracing denser concentrations of its populations; and

WHEREAS, the Electoral College and the federal structure of government ensure a balance of power among the states and between the states and the federal government; and

WHEREAS, this complex and finely balanced structure serves to protect the nation's republican form of government and permits its citizens to enjoy an unequalled degree of democratic liberty; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly of Virginia express its commitment to the principles represented by the Electoral College, for its embodiment of the well-balanced framework of this nation's state and federal governments, and for its role in assuring the preservation of the liberty enjoyed by all citizens; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation, in order that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FURTHER, That the Clerk transmit copies of this resolution to the legislatures of the other states that they may be informed of this action by the General Assembly and requested to adopt a similar resolve; and, be it

RESOLVED FINALLY, That the Clerk transmit a copy of this resolution to the Superintendent of Public Instruction for circulation to the teachers of history and government in the Commonwealth's schools so that Virginia's students may be acquainted with the principles of this nation's republican and federal form of government and the role

of this Commonwealth's leaders in the framing of the Electoral Collage and this nation's well-designed system of ordered liberty.

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE CONCURRENT RESOLUTION NO. 3031
(Representatives Carlson, Grande, Koppelman, Wald)

A concurrent resolution making application to Congress to submit to the states an amendment to the Constitution of the United States to prohibit the United States Supreme Court and any federal court from ordering a state or political subdivision to levy or increase taxes.

WHEREAS, the Constitution of the United States reserves to the states a broad range of powers and the power of the federal government is strictly limited with regard to powers reserved to the states; and

WHEREAS, under the Constitution of the United States, the states are given full authority over states and local government tax policy; and

WHEREAS, it is the duty of the judiciary to interpret the law, not to create law; and

WHEREAS, our present federal government has strayed from the intent of our founding fathers and the Constitution of the United States through inappropriate federal mandates; and

WHEREAS, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

WHEREAS, these court actions violate the Constitution of the United States; and

WHEREAS, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

1. That the United States Congress prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

“Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes.”

2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.
3. That the Fifty-seventh Legislative Assembly also proposes that the legislatures of each of the several states comprising the United States that have not yet made a similar request apply to the United States Congress requesting enactment of an appropriate amendment to the Constitution of the United States, and apply to the United States Congress to propose such an amendment to the Constitution of the United States.
4. That the Secretary of State transmit copies of these resolution the President and Vice President of the United States, the presiding officer in each house of the legislature in each of the states in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the North Dakota Congressional Delegation.

s/LeRoy G. Bernstein
Speaker of the House

s/Karen K. Krebsbach
President of the Senate

s/Mark L. Johnson
Chief Clerk of the House

s/William R. Horton
Secretary of the Senate

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE CONCURRENT RESOLUTION NO. 4028
(Senator Mutch)

A concurrent resolution rescinding all applications made by the Legislative Assembly to the Congress of the United States to call a convention pursuant to the terms of Article V of the United States Constitution for proposing amendments to that Constitution and urging the legislative bodies in other states to take similar action.

WHEREAS, the Legislative Assembly, acting with the best intentions, has, at various times, applied to the Congress of the United States to call a convention to propose amendments to the United States Constitution, pursuant to the provisions of Article V of the United States Constitution; and

WHEREAS, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

WHEREAS, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than 200 years and

has been found to be a sound document that protects the lives and liberties of the citizens; and

WHEREAS, there is great danger in a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Assembly rescinds the following applications made by the Legislative Assembly to the Congress of the United States to call a convention pursuant to Article V of the United States Constitution:

1967 House Concurrent Resolution "1-1", calling for a convention to amend the Constitution of the United States, relating to apportionment;

1971 Senate Concurrent Resolution No. 4013, calling for a convention to amend the Constitution of the United States to provide revenue sharing;

1975 Senate Concurrent Resolution 4018, calling for a convention to amend the Constitution of the United States to require a balanced cash budget for each session of Congress except in time of war or national emergency;

1979 Senate Concurrent Resolution No. 4033, calling for a convention to amend the Constitution of the United States to prohibit federal estate taxes; and

BE IT FURHTER RESOLVED, that the Legislative Assembly urges the legislative bodies of each state that have applied to Congress to call a convention to rescind; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the presiding officer of each legislative body in each sate, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the members of the North Dakota Congressional Delegation, and to the administrator of General Services, Washington, D.C.

s/Karen K. Krebsbach
President of the Senate

s/LeRoy G. Bernstein
Speaker of the House

s/William R. Horton
Secretary of the Senate

s/Mark L. Johnson
Chief Clerk of the House

(seal)

THE SENATE
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD REGULAR SESSION, 2001

Senate Resolution No. 12-33

Introduced by: Sen. Pete P. Reyes
 Sen. Thomas P. Villagomes
 Sen. Paul A. Manglona
 Sen. Joaquin G. Adriano
 Sen. David M. Cing
 Sen. Jose M. Dela Cruz
 Sen. Ricardo S. Atalig
 Sen. Edward U. Maratita
 Sen. Ramon S. Guerrero

A SENATE RESOLUTION

Requesting the Congress of the United States to adopt an amendment to the Constitution of the United States, to add a new article on the Subject of Judicial Taxation.

WHEREAS, the separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

WHEREAS, under the United States Constitution, the states are to determine public policy; and

WHEREAS, it is the duty of the judiciary to interpret law, not to create law; and

WHEREAS, our present federal government has strayed from the interest of our founding fathers and the United States Constitution through inappropriate federal mandates; and

WHEREAS, these mandates by the way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

WHEREAS, the federal district courts with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

WHEREAS, these court actions violate the United States Constitution and the legislative process; and

WHEREAS, the time has come for the people of this great nation and their duly elected representatives in state government, to reaffirm, in no uncertain terms that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they chose, such representatives being directly responsible and accountable to those who have elected them; and

WHEREAS, the lawmakers of the Commonwealth of the Northern Mariana Islands have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

WHEREAS, the amendment was previously introduced in Congress; and

WHEREAS, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people against the people's wishes; now, therefore,

BE IT RESOLVED by the Senate of the Twelfth Northern Marianas Commonwealth Legislature:

1. That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or subdivision, to levy or increase taxes."
2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.
3. That the legislature of the Northern Mariana Islands also proposes that the legislatures of each of the several states comprising the United States that have not yet made a similar request apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States Congress to propose such an amendment to the United States Constitution; and

BE IT FURHTER RESOLVED that the President of the Senate shall certify and the Senate Legislative Secretary shall attest to the adoption of this resolution and certified copies shall thereafter be transmitted to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the presiding officer in each house of the legislature in each of the States in the Union; President Pro Temp of the United States Senate, and to the Honorable Pedro P. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands.

ADOPTED BY THE SENATE ON MARCH 8, 2001

CERTIFIED BY:
s/PAUL A. MANGLONA
PRESIDENT OF THE SENATE

ATTESTED BY:
s/JOAQUIN G. ADRIANO
SENATE LEGISLATIVE SECRETARY

GENERAL ASSEMBLY OF VIRGINIA—2000 SESSION

HOUSE JOINT RESOLUTION NO. 284

Memorializing the Congress of the United States to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks.

Agreed to by the House of Delegates, February 15, 2000

Agreed to by the Senate, March 2, 2000

WHEREAS, the Trade Act of 1974 established a statutory framework for providing transitional adjustment assistance to employees displaced due to increased importation of competitive products; and

WHEREAS, the adoption by Congress of the North American Free Trade Agreement (NAFTA) included the establishment of a transitional adjustment assistance program in the event that imports of competitive goods from Canada or Mexico are an important contribution to workers' separation; and

WHEREAS, since the adoption of NAFTA, the number of imports from Canada and Mexico of products directly competitive with products manufactured in the United States has increased; and

WHEREAS, many manufacturing plants in the United States have displaced workers or closed entirely due to increased competition from imported products; and

WHEREAS, American workers have had difficulty finding similar employment and need retraining services to be qualified for other types of employment; and

WHEREAS, the current length of time for retraining benefits under the Trade Act is inadequate for most Americans to complete retraining programs; now, therefore be it

RESOLVED by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks; and, be it

RESOLVED FURTHER, That the General Assembly of Virginia most fervently urge and encourage each state legislative body of the United States of America to enact this resolution, or one similar in context and form, as a show of solidarity in petitioning the federal government for greater benefits to workers displaced due to the adoption of NAFTA; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Secretary of the United States Department of Labor, the Speaker of the United States House of Representatives, the President of the United States Senate, each member of the Virginia Congressional Delegation, and to the presiding officer of each house of each state legislative body in the United States of America.

GENERAL ASSEMBLY OF VIRGINIA—2000 SESSION

HOUSE JOINT RESOLUTION NO. 310

Memorializing the Congress of the United States to amend the Fair Credit Reporting Act to prohibit credit reporting agencies from using information related to the number of inquiries in a consumer's credit report to determine the consumer's overall rating.

Agreed to by the House of Delegates, February 15, 2000

Agreed to by the Senate, March 8, 2000

WHEREAS, the Fair Credit Reporting Act established a statutory framework for protecting the rights of consumers to fair disclosure of credit information; and

WHEREAS, the Fair Credit Reporting Act permits credit reporting agencies to report information related to a consumer's credit history; and

WHEREAS, credit reporting agencies provide an overall rating of the consumer's credit risk on the consumer's credit report; and

WHEREAS, credit reporting agencies consider the number of inquiries into a consumer's credit report when determining the overall rating; and

WHEREAS, the number of inquiries requesting a consumer's credit report is not substantially related to a consumer's credit risk and is often outside the consumer's control; and

WHEREAS, creditors rely on the information reported by credit reporting agencies to evaluate the credit risk of a consumer; and

WHEREAS, many consumers are denied credit based on a credit reporting agency's rating of that consumer; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to amend the Fair Credit Reporting Act to prohibit credit reporting agencies from using information related to the number of inquiries in a consumer's credit report to determine the consumer's overall rating; and, be it

RESOLVED FURTHER, That the General Assembly of Virginia most fervently urge and encourage each state legislative body of the United States of America to enact this resolution, or one similar in context and form, as a show of solidarity in petitioning the federal government for greater protection for consumers in obtaining credit; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of the United States Department of Labor, each member of the Virginia Congressional Delegation, and to the Chairman of the Council of State Governments, requesting that he distribute copies of this resolution to the presiding officer of each house of each state legislative body in the United States of America in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

State of West Virginia
Legislative Resolution
(seal)
HOUSE RESOLUTION NO. 1

[By Mr. Speaker, Mr. Kiss, and Delegates Amores, Anderson, Angotti, Armstead, Ashley, Azinger, Beach, Beane, Boggs, Border, Brown, Browning, Butcher, Campbell, Cann, Canterbury, Caputo, Carmichael, Coleman, Compton, Craig, DeLong, Dempsey, Douglas, Doyle, Ellem, Ennis, Evans, Fahey, Faircloth, Ferrell, Flanigan, Fleischauer, Fletcher, Fox, Fragale, Frederick, Givens, Hall, Harrison, Hatfield, Hrutkay, Hubbard, Keener, Kominar, Kuhn, Leach, Leggett, Louisos, Mahan, Manchin, Manuel, Marshall, Martin, Mathews, McGraw, Mezzatesta, Michael, Morgan, Overington, Paxton, Perdue, Perry, Pethel, Pino, Poling, Proudfoot, Prunty, Riggs, Romine, Schadler, Shaver, Shelton, Smirl, J. Smith, L. Smith, Spencer, Stalnaker, Staton, Stemple, Stephens, Susman, Swartzmiller, R. Thompson, R. M. Thompson, Trump, Tucker, Varner, Walters, Warner, Webb, Webster, C. White, G. White, H. White, Williams, Wills, Wright and Yeager]

[Adopted by the House of Delegates on September 18, 2001]

“Expressing the sense of the House of Delegates and decrying the outrageous terrorist attacks launched against the United States on Tuesday, September 11, 2001, expressing sympathy to the families and friends of those killed or injured, and urging the President of the United States and other federal officials to deal swiftly with those who threaten our freedom.”

Whereas, The United States of America stands as the Nation most respected throughout the world for its freedom and its defense of freedom; and

Whereas, Tens of thousands of men and women have fought and died to secure, maintain and guarantee this freedom, and have utilized this freedom to build the most powerful and most successful nation on earth; and

Whereas, On Tuesday, September 11, 2001, enemies of the United States encroached upon the sacred soils of our Nation and conducted a series of the most inhumane, murderous attacks in the history of the world, hijacking and destroying four civilian aircraft, crashing two of them into the World Trade Center Towers in New York City, a third into the Pentagon outside Washington, D.C., and the fourth failing to reach its target and crashing in Pennsylvania, which monstrous attacks killed and injured thousands of innocent people and completely demolished the World Trade Center Towers and a portion of the Pentagon, symbols of American strength and success; and

Whereas, The freedom fought for, secured and maintained over the past two hundred twenty-five years is threatened by the attackers, by targeting symbols of America, clearly intended to intimidate our Nation and weaken its resolve; therefore, be it

Resolved by the House of Delegates:

That the members of the West Virginia House of Delegates hereby express their deepest, heartfelt sympathy to the families and friends of those killed and injured in the terrorist attacks of Tuesday, September 11, 2001, and the recovery efforts following the attacks;

That the members of the House of Delegates hereby offer collective condolences and unreserved expressions of support to the State and to the City of New York, to the State of Virginia, and to the State of Pennsylvania;

That the House of Delegates of West Virginia hereby condemns in the strongest possible terms the terrorists who contrived and carried out those attacks, as well as their sponsors or any person or nation which harbours terrorists;

That the House hereby commends the heroic actions of the myriad of rescue workers, volunteers and officials who responded to these tragic events with courage, determination and skill;

That we hereby publicly proclaim that we will not forget those who have fought and died to help secure and maintain our freedom, and we further publicly decry and condemn those who plot, plan and execute attacks on our freedom, our citizenry and our way of life;

That our thoughts and prayers go out to all those directly affected by the attacks and to those participating in the recovery from the attacks;

That the President of the United States and the Congress by hereby urged to deal swiftly and judiciously with the situation, that freedom might live; and, be it

Further Resolved, That the Clerk of the House of Delegates forthwith prepare and cause to be delivered certified copies of this resolution to President George W. Bush, to the Honorable Bob Wise, Governor of the State of West Virginia, to U.S. Senators Robert C. Byrd and John D. Rockefeller IV, and to members of the United States House of Representatives Alan B. Mollohan, Shelley M. Capito and Nick Joe Rahall, to the Clerk of the United States House of Representatives and the Secretary of the United States Senate,

to the Governor of New York and the Mayor of New York City, to the Governor of Virginia and the Governor of Pennsylvania, and to the Presiding Officers of the Legislatures of all the States in this Nation.

(seal)

I, GREGORY M. GRAY, Clerk of the House of Delegates, and as such Clerk, Keeper of the Rolls of the Legislature of West Virginia, hereby certify that the foregoing is a true and correct copy of House Resolution 1, which was adopted by the House of Delegates on the 18th day of September, 2001.

S/ Gregory M. Gray
Clerk of the House of Delegates

September 18, 2001

SENATE COMMITTEE ASSIGNMENTS

COMMITTEE STANDING MEETING TIME/ROOM

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Tues/Thurs—544 LOB—11:00 AM

Chairman	Senator Albertson
Vice Chairman	Senator Gully
Vice Chairman	Senator Horton
Vice Chairman	Senator Robinson
Vice Chairman	Senator Wellons
Ranking Minority	Senator Hartsell
Members	Senators Bingham, Clodfelter, Cunningham, Garwood, Harris, Kinnaird, Lucas, Martin of Guilford, Miller, Odom, Shaw of Cumberland, Thomas, Webster, Weinstein

APPROPRIATIONS/BASE BUDGET

Tues/Wed/Thurs—643 LOB—8:30 AM

Co-Chairman	Senator Lee
Co-Chairman	Senator Odom
Co-Chairman	Senator Plyler
Vice Chairman	Senator Allran
Vice Chairman	Senator Forrester
Vice Chairman	Senator Rand
Members	Senators Albertson, Ballance, Berger, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gully, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Swindell, Thomas, Warren, Weinstein, and Wellons.

APPROPRIATIONS ON DEPARTMENT OF TRANSPORTATION

Tues/Wed/Thurs—1027 LB—8:30 AM

Chairman	Senator Gully
Vice Chairman	Senator Shaw of Cumberland
Ranking Minority	Senator Carpenter
Members	Senators Berger, Hoyle, Robinson, Rucho

APPROPRIATIONS ON EDUCATION/HIGHER EDUCATION

Tues/Wed/Thurs—414 LOB—8:30 AM

Sr. Chairman	Senator Dalton
Co-Chairman	Senator Garrou
Co-Chairman	Senator Lucas
Vice Chairman	Senator Carter
Ranking Minority	Senator Hartsell
Members	Senators Cunningham, Garwood, Wellons

APPROPRIATIONS ON GENERAL GOVERNMENT

Tues/Wed/Thurs—1124 LB—8:30 AM

Chairman	Senator Warren
Vice Chairman	Senator Harris
Ranking Minority	Senator Allran
Member	Senator Kinnaird

APPROPRIATIONS ON HEALTH AND HUMAN SERVICES**Tues/Wed/Thurs—422 LOB—8:30 AM**

Chairman Senator Martin of Guilford
Vice Chairman Senator Dannelly
Ranking Minority Senator Forrester
Members Senators Kerr, Moore, Purcell

APPROPRIATIONS ON INFORMATION TECHNOLOGY**Tues/Wed/Thurs—1425 LB—8:30 AM**

Chairman Senator Reeves
Vice Chairman Senator Hagan
Ranking Minority Senator Foxx
Member Senator Miller

APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY**Tues/Wed/Thurs—415 LOB—8:30 AM**

Chairman Senator Jordan
Vice Chairman Senator Ballance
Ranking Minority Senator Bingham
Members Senators Clodfelter, Rand, Thomas

APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES**Tues/Wed/Thurs—423 LOB—8:30 AM**

Chairman Senator Martin of Pitt
Vice Chairman Senator Weinstein
Ranking Minority Senator Horton
Members Senators Albertson, Metcalf, Swindell

CHILDREN & HUMAN RESOURCES**Wed—544 LOB—11:00 AM**

Chairman Senator Kinnaird
Vice Chairman Senator Dannelly
Vice Chairman Senator Lucas
Vice Chairman Senator Martin of Guilford
Vice Chairman Senator Purcell
Ranking Minority Senator Forrester
Members Senators Allran, Bingham, Foxx, Hagan, Harris, Kerr, Moore, Warren, Wellons

COMMERCE**Tues/Thurs—1027 LB—11:00 AM**

Chairman Senator Soles
Vice Chairman Senator Ballantine
Vice Chairman Senator Hoyle
Vice Chairman Senator Lee
Vice Chairman Senator Warren
Ranking Minority Senator Carpenter
Members Senators Ballance, Berger, Carter, Dalton, Forrester, Foxx, Garrou, Hagan, Jordan, Kerr, Metcalf, Moore, Plyler, Purcell, Rand, Reeves, Rucho, Shaw of Guilford, Swindell

EDUCATION/HIGHER EDUCATION**Wed—414 LOB—10:00 AM**

Sr. Chairman	Senator Dalton
Co-Chairman	Senator Carter
Co-Chairman	Senator Lucas
Vice Chairman	Senator Dannelly
Vice Chairman	Senator Garrou
Vice Chairman	Senator Hartsell
Vice Chairman	Senator Hoyle
Vice Chairman	Senator Lee
Vice Chairman	Senator Warren
Ranking Minority Members	Senator Allran Senators Bingham, Cunningham, Forrester, Foxx, Garwood, Gulley, Hagan, Horton, Martin of Guilford, Purcell, Robinson, Rucho, Swindell, Thomas

FINANCE**Tues/Wed—544 LOB—1:30 PM**

Co-Chairman	Senator Hoyle
Co-Chairman	Senator Kerr
Vice Chairman	Senator Clodfelter
Vice Chairman	Senator Shaw of Guilford
Vice Chairman	Senator Soles
Vice Chairman	Senator Weinstein
Ranking Minority Members	Senator Allran Senators Albertson, Ballantine, Carrington, Carter, Dalton, Dannelly, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Lee, Metcalf, Miller, Moore, Purcell, Rand, Reeves, Rucho, Shaw of Cumberland, Swindell, Webster, Wellons

HEALTH CARE**Wed—1124 LB—12:00 Noon**

Chairman	Senator Purcell
Vice Chairman	Senator Lucas
Vice Chairman	Senator Martin of Guilford
Ranking Minority Members	Senator Rucho Senators Dannelly, Forrester, Garwood, Hartsell, Miller, Moore, Robinson, Warren

INFORMATION TECHNOLOGY**Wed—1027 LB—12:00 Noon**

Chairman	Senator Reeves
Vice Chairman	Senator Garrou
Vice Chairman	Senator Rand
Ranking Minority Members	Senator Horton Senators Allran, Carter, Clodfelter, Foxx, Gulley, Hagan, Hoyle, Lee, Soles

INSURANCE AND CONSUMER PROTECTION**Tues/Thurs—1027 LB—12:00 Noon**

Chairman	Senator Wellons
Vice Chairman	Senator Harris
Vice Chairman	Senator R.L. Martin
Vice Chairman	Senator Reeves
Vice Chairman	Senator Soles
Ranking Minority Members	Senator Ballantine Senators Ballance, Carpenter, Cunningham, Forrester, Garrou, Hagan, Hartsell, Hoyle, Jordan, Metcalf, Miller, Purcell, Rand, Shaw of Guilford, Thomas, Webster, Weinstein

JUDICIARY I**Tues/Thurs—1027 LB—10:00 AM**

Chairman	Senator Clodfelter
Vice Chairman	Senator Cunningham
Vice Chairman	Senator Hartsell
Vice Chairman	Senator Soles
Ranking Minority	Senator Carpenter
Members	Senators Albertson, Allran, Ballantine, Berger, Carter, Gulley, Horton, Hoyle, Lucas, Metcalf, Rand, Wellons

JUDICIARY II**Tues/Thurs—1124 LB—10:00 AM**

Chairman	Senator Hagan
Vice Chairman	Senator Ballance
Vice Chairman	Senator Dalton
Vice Chairman	Senator Miller
Vice Chairman	Senator Odom
Vice Chairman	Senator Thomas
Ranking Minority	Senator Shaw of Guilford
Members	Senators Bingham, Forrester, Kerr, Kinnaird, Lee, Martin of Guilford, Moore, Robinson, Rucho, Webster

PENSIONS & RETIREMENT AND AGING**Wed—1124 LB—10:00 AM**

Chairman	Senator Harris
Vice Chairman	Senator Kinnaird
Ranking Minority	Senator Moore
Members	Senators Albertson, Berger, Carpenter, Jordan, Odom, Plyler, Shaw of Guilford, Weinstein

REDISTRICTING**Upon Call of the Chairman**

Sr. Chairman	Senator Miller
Co-Chairman	Senator Ballance
Co-Chairman	Senator Metcalf
Vice Chairman	Senator Hagan
Vice Chairman	Senator Martin
Vice Chairman	Senator Wellons
Ranking Minority	Senator Ballantine
Members	Senators Albertson, Carrington, Clodfelter, Dannelly, Forrester, Foxx, Gulley, Harris, Hartsell, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Pitt, Moore, Odom, Plyler, Rand, Robinson, Shaw of Cumberland, Soles, Thomas, Warren

RULES AND OPERATIONS OF THE SENATE**Upon Call of Chairman**

Chairman	Senator Rand
Vice Chairman	Senator Carrington
Vice Chairman	Senator Gulley
Vice Chairman	Senator Metcalf
Ranking Minority	Senator Forrester
Members	Senators Albertson, Dalton, Horton, Hoyle, Jordan, Kinnaird, Martin of Pitt, Plyler, Rucho, Soles, Swindell

RURAL DEVELOPMENT**Wed—1027 LB—12:00 Noon**

Co-Chairman	Senator Metcalf
Co-Chairman	Senator Weinstein
Vice Chairman	Senator Albertson
Vice Chairman	Senator Ballance
Vice Chairman	Senator Swindell
Ranking Minority	Senator Berger
Members	Senators Bingham, Carpenter, Carter, Cunningham, Dalton, Harris, Jordan, Kerr, Kinnaird, Martin of Pitt, Thomas, Wellons

STATE AND LOCAL GOVERNMENT**Wed—1124 LB—11:00 AM**

Chairman	Senator Robinson
Vice Chairman	Senator Jordan
Vice Chairman	Senator Miller
Ranking Minority	Senator Webster
Members	Senators Albertson, Ballance, Clodfelter, Garwood, Hartsell, Horton, Soles

TRANSPORTATION**Wed—1027 LB—11:00 AM**

Chairman	Senator Shaw of Cumberland
Vice Chairman	Senator Carpenter
Vice Chairman	Senator Gulley
Vice Chairman	Senator Lee
Ranking Minority	Senator Garwood
Members	Senators Berger, Carrington, Carter, Cunningham, Garrou, Hoyle, Martin of Pitt, Odom, Plyler, Rand, Rucho, Shaw of Guilford, Swindell, Thomas

WAYS & MEANS**Upon Call of Chairman**

Chairman	Senator Dannelly
Vice Chairman	Senator Kerr
Vice Chairman	Senator Lucas
Ranking Minority	Senator Allran
Members	Senators Albertson, Ballance, Ballantine, Berger, Carrington, Hoyle, Lee, Martin of Pitt, Odom, Plyler, Robinson, Swindell, Warren, Webster, Weinstein

SENATE STAFF

OFFICE OF THE PRESIDENT

Lieutenant Governor	Beverly E. Perdue
Administrative Assistant	Sharon Nelson
Chief of Staff	Kaye Gattis
Constituent Services	Meredith Faircloth
Director of Communications	Derek Chernow
Legislative Liaison	Anne Canady
Office Manager	Taty Padilla
Research and Policy	Carleton Atkinson
	Crissie Curtis
Scheduler	Julia Gray Hooks
Special Projects	Donice Harbor
Security	Trooper Scott Parrish
	Trooper Gary Simpson

OFFICE OF THE PRESIDENT *PRO TEMPORE*

President <i>Pro Tempore</i>	Marc Basnight
General Counsel/Liaison	Norma Mills
Communications Director	Rob Lamme'
Special Projects and Research	Rolf Blizzard
Administrative Assistant—	Claudette Parrish
Executive Assistant	Angela Talton Williams
Legislative Assistant	Lea Dunn
Legislative Assistant for Special Projects & Constituent Services	Louise Stowe
Special Assistants—	
Communications and Research	Amy Fulk
Communications and Public Affairs	Tom Sri
Citizen Affairs	Mary King
Hispanic and Latino Affairs	Matty Lazo-Chadderton
Legislative Affairs	Phil Hayes
Research & Policy	Reyna Walters
Page Program—	
Supervisor	Tonita Stephenson

OFFICE OF THE DEPUTY PRESIDENT *PRO TEMPORE*

Deputy President <i>Pro Tempore</i>	Frank W. Ballance, Jr.
Administrative Assistant	Irma Avent-Hurst
Legislative Counsel	Wayne Yancey

OFFICE OF THE SENATE MAJORITY LEADER

Majority Leader	Tony Rand
Administrative Assistant	Evelyn Costello
General Counsel	Chris Evans
Office Assistant	Judy Tardiff

OFFICE OF THE SENATE MINORITY LEADER

Minority Leader	Patrick J. Ballantine
Administrative Assistant	Luci Johnson
Legislative Aide	Joel Raupe

OFFICE OF THE PRINCIPAL CLERK

Principal Clerk	Janet B. Pruitt
Administrative Clerks	Beverly Allen
	Jonathan Kennedy
	Tracie J. McLamb
Assistants	Aaron Cooley
	Marty Carrara
	Kellie Davis
	Ingrid Eubanks
	Michael Houser
	Charlotte Johnston
	Evelyn Morrow
	Shirley Parker
	Harriette Smith
	Linda Stephenson
	Wayne White

READING CLERK

LeRoy Clark, Jr.

OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms	Cecil Goins
Deputy/Secretary	Martha Dunn
Assistants	
Mark Cone	Mary Perry
Curtis Dowd	Hubert A. Poole
Jennifer Edwards	Michael Resar
Chad Essick	George Robinson
Sam Evans	Ernie Sherrell
Hunter E. Ingram	Ronald Spann
Stanley Johnson	Mark Speed
Charles Marsalis	Richard Telfair

OFFICE OF LEGISLATIVE ASSISTANTS

Director	Dot Waugaman
Assistant to Director	Bonnie McNeil
	Janet Sommer
Assistant (Page Coordinator)	Cindy Garrison
Page Supervisor	Tonita Stephenson

SENATE LEGISLATIVE ASSISTANTS

Bagley, Dee	Weinstein	Rural Development
Birdsong, Julia	Albertson	Agriculture/Environment/Natural Resources
Bishop, Gail	Garrou	Appropriations on Education/Higher Education
Black, Janet	Foxx	

Blake, Lorraine	Purcell	Health Care
Blalock, Janet	Soles	Commerce, Majority Caucus Chair
Bowles, Gerry	Swindell	Office of Director - Substitute
Brooks, Cindy	Albertson	Agriculture/Environment/Natural Resources
Brothers, Nancy	Cunningham	
Caldwell, Wilma		Office of Director - Substitute
Carpenter, Helen	Carpenter	
Chriscoe, Judy	Bingham	
Clark, Genie	Horton	
Crawford, Dan	Metcalf	
Crisp, Judy	Harris	Pensions & Retirement and Aging
Critcher, Blanche		Office of Director - Substitute
Dando, Erin	Lee	
David-Yerumo, Bernie	Lucas	Majority Caucus Secretary; Appropriations on Education/ Higher Education Education/Higher Education
Davis, Kathy	Carrington	
Dixon, Michael	Jordan	
Eldridge, Barbara	Berger	
Fitzgerald, Mona	Dalton	Appropriations on Education/ Higher Education Education/Higher Education
Funderburk, Elaine		Office of Director - Substitute
Gooden, Carolyn	Martin of Pitt	Appropriations on Natural and Economic Resources
Grant, Erin	Foxx	
Grippe, Lori	Dalton	
	Rucho	
Gunter, Susanne	Thomas	
Halifax, Peggy	Moore	
Hall, Tracey	Warren	
Hall, Yvonne	Shaw of Guilford	
Harrison, Betty	Swindell	
Hartsell, Evelyn	Kerr	Finance
Haynes, Katy	Plyler	
Haynes, Rusty	Kinnaird	
Haywood, Gloria	Jordan	Appropriations on Justice & Public Safety
Hedspeth, Becky	Reeves	Appropriations on Information Technology Information Technology Education Committee Assistant
Hocutt, Barbara		Ways & Means
Hodge, Dee	Dannelly	
Hodge, Joyce	Martin of Guilford	Appropriations on Health and Human Services
Hogan, Peggy Anne	Wellons	Insurance and Consumer Protection
Holshouser, Vera	Hagan	Judiciary II
Howard, Mo	Swindell	
Johnson, Gerry	Hartsell	
Johnson, Lucy	Jordan	

Joyner, Wanda	Clodfelter	Judiciary I
Kendall, June	Carter	Education/Higher Education
King, Margaret		Office of Director - Substitute
Kyle, Amanda	Foxx	
Laton, Linda	Dalton	Appropriations on Education/ Higher Education
		Education/Higher Education
Leatherman, Joan	Soles	Majority Caucus Chair; Commerce
Ledford, Delores	Warren	Appropriations on General Government
Lee, Barbara	Shaw of Cumberland	Transportation
Malcom, Darrell	Webster	
McBride, Sue		Office of Director - Substitute
McKagan, Jennifer	Reeves	
McMillan, Cornelia	Miller	Redistricting
McNeil, Bonnie		Office of Director, Assistant
Minard, Chris	Lee	Appropriations
Misner, Pat	Plyler	Appropriations
Murphy, Sarah		Office of Director - Substitute
Perryman, Barbara	Odom	
Porter, Phyllis	Garwood	
Pulley, Nancy		Office of Director - Substitute
Resar, Carol	Gulley	Appropriations on Transportation
Robinson, Jean	Robinson	State and Local Government
Scoggins, Barbara	Foxx	
Sears, Sylvia	Kerr	
Shapard, Sarah	Kinnaird	
Shumaker, Lainey	Albertson	
Soles, Anne	Webster	Office of Director - Substitute
Sommer, Janet		Office of Director - Substitute
Spears, Vickie	Hoyle	
Swindell, Priscilla	Kerr	Office of Director - Substitute
Towe, Allison	Rucho	
Vaden, Carter	Kinnaird	
Walker, Carole	Allran	
Watson, Mary	Forrester	
Weddle, Clare Marie	Dalton	
Whitener, Angie	Metcalf	Redistricting, Rural Development
Williams, Penny	Hoyle	Finance
Wilson, Anne	Odom	Appropriations
Woodlief, Meredith		Office of Director - Substitute
Yancey, Wayne	Ballance	

SENATE INTERNS 2001 SESSION

Atwell, Lauren	Carter
Botwe, Asi	Jordan
Brooks, Jason	Jordan
Burtea, Sorin	Albertson
Cameron, Sheree	Miller
Corpening, Katherine	Moore
Ebron, Ebony	Lucas
Epps, Kenneth	Gulley
Forcum, Lura	Garrou

Forrest, James	Forrester
Gilfus, Phillip	Thomas
	Warren
Green, Sherese	Shaw of Cumberland
Gurlitz, Rachael	Harris
Harris, Elizabeth	Martin of Pitt
Harris, James	Ballantine
Haskins, Tiffany	Jordan
Hines, Victoria	Basnight
Howard, Patrice	Metcalf
Hurdle, Ashley	Basnight
Jones, Benita	Ballance
Kleisch, Emily	Hagan
Lasher, Jennifer	Carter
Lawley, Charles	Gulley
	Webster
Leatherman, Matthew	Cunningham
Markham, Julia	Reeves
Medlin, Christina	Dannelly
Melchior, Frank	Horton
Millon, Jeff	Hoyle
Nabors, Tyler	Warren
Propes, Mollie	Basnight
Pryor, Sharese	Martin of Guilford
Reid, Courtney	Carpenter
	Foxx
Sergent, Rebekah	Wellons
Smith, Matthew	Dalton
Stoddard, Margaret	Clodfelter
Stoker, Angie	Ballantine
Stowe, Jeffrey	Moore
Tucker, Tracy	Foxx
Watson, Deelonna	Lucas
Wellons, Elizabeth	Wellons
Wendorff, Elizabeth	Kinnaird
White, John	Dalton
Williamson, Eric	Hartsell
Wood, Tracy	Moore

PRESIDENT PRO TEMPORE APPOINTMENTS

The following appointments and recommendations to Boards and Commissions were made during 2001 by the Honorable Marc Basnight, President *Pro Tempore* of the Senate.

	Appointed	Expires
ACUPUNCTURE LICENSING BOARD		
G.S. 90-453		
Ms. Barbara Berry	06/30/2001	06/30/2004

ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE

G.S. 120-70.100

Senator John H. Kerr III (Co-Ch)	03/22/2001	01/14/2003
Senator Frank W. Ballance, Jr.	03/22/2001	01/14/2003
Senator Virginia Foxx	03/22/2001	01/14/2003
Senator Oscar N. Harris	03/22/2001	01/14/2003
Senator Fletcher L. Hartsell, Jr.	03/22/2001	01/14/2003
Senator Brad Miller	03/22/2001	01/14/2003
Senator William R. Purcell	03/22/2001	01/14/2003
Senator Hugh Webster	03/22/2001	01/14/2003

ADVANCEMENT OF TEACHING BOARD OF TRUSTEES, NORTH CAROLINA CENTER (NCCAT)

G.S. 116-74.6

Mrs. Carol Newman	06/30/2001	06/30/2005
Mr. Kenneth Wayne Wells	06/30/2001	06/30/2005

ADVISORY BUDGET COMMISSION

G.S. 143-4

Senator John A. Garwood	03/27/2001	01/31/2003
Senator T. LaFontine Odom, Sr.	03/27/2001	01/31/2003
Senator Aaron W. Plyler	03/27/2001	01/31/2003
Senator Dan Robinson	03/27/2001	01/31/2003
Senator Ed Warren	03/27/2001	01/31/2003

AGING STUDY COMMISSION

G.S. 120-182

Senator William R. Purcell (Co-Ch)	07/01/2001	06/30/2003
Ms. Kim Berry	07/01/2001	06/30/2003
Senator Charles Carter	07/01/2001	06/30/2003
Ms. Jan Elliot	07/01/2001	06/30/2003
Senator James Forrester	07/01/2001	06/30/2003
Mr. Ted Goins, Jr.	07/01/2001	06/30/2003
Senator Oscar N. Harris	07/01/2001	06/30/2003
Senator A. B. Swindell IV	06/06/2001	06/30/2003

AGRICULTURAL FINANCE AUTHORITY

G.S. 122D-4(b)

Mr. Jimmy A. Harrell, Jr.	06/30/2001	06/30/2004
Ms. Deborah Mae Johnson	06/30/2001	06/30/2004
Mr. Robert Frank Timberlake	06/30/2001	06/30/2004

President Pro Tempore Appointments	Appointed	Expires
AGRICULTURE AND FORESTRY AND SEAFOOD AWARENESS COMMISSION		
G.S. 120-150		
Mr. Vernon James	10/01/2001	09/30/2003
Mr. Ross Lampe	10/01/2001	09/30/2003
Senator Ed Warren	10/01/2001	09/30/2003
ALARM SYSTEMS LICENSING BOARD		
G.S. 74D-4(b)		
Mrs. Anita D. Pfaff	09/19/2001	06/30/2004
AQUACULTURE ADVISORY BOARD		
G.S. 106-760		
Senator Charles W. Albertson	03/20/2001	01/15/2003
ATHLETIC TRAINER EXAMINERS BOARD		
G.S. 90-524(b)(1)		
Dr. Donald D' Alessandro	08/01/2001	07/31/2004
BLIND, CONSUMER AND ADVOCACY ADVISORY COMMITTEE		
G.S. 143B-164(a)(1)		
Senator Ed Warren	06/30/2001	06/30/2003
BRIDGE AUTHORITY		
G.S. 136-89.161(b)		
Mr. Ernie Bowden	06/30/2001	06/30/2005
BUILDING COMMISSION		
G.S. 143-135.25(c)(5)		
Mr. Paul Davis Boney	06/30/2001	06/30/2004
CANCER COORDINATION AND CONTROL ADVISORY COMMITTEE		
G.S. 130A-33.50(b)		
Senator Charlie S. Dannelly	06/30/2001	06/30/2005
Mrs. Victoria T. Parrish	06/30/2001	06/30/2005
Senator William R. Purcell	06/30/2001	06/30/2005
CAPITAL FACILITIES FINANCE AGENCY BOARD OF DIRECTORS		
G.S. 159D-38		
Mr. Dennis M. Walters	06/30/2001	03/01/2004
CAPITAL PLANNING COMMISSION		
G.S. 143B-374(a)		
Senator David W. Hoyle	03/20/2001	01/31/2003
Senator Brad Miller	03/20/2001	01/31/2003
Senator Eric Miller Reeves	03/20/2001	01/31/2003
Senator Robert G. Shaw	03/20/2001	01/31/2003
CEMETERY COMMISSION		
G.S. 65-50(a)		
Mr. Nick Eanes	12/18/2001	06/30/2005

President Pro Tempore Appointments	Appointed	Expires
CENTENNIAL AUTHORITY		
G.S. 160A-480.3(b)(2)		
Mr. Reef C. Ivey II	09/26/2001	06/30/2005
Mr. George Matthew Wood, Jr.	09/26/2001	06/30/2005
CHILD CARE COMMISSION		
G.S. 143B-168.4(a)		
Mrs. Janice McKenzie Cole	09/21/2001	06/30/2003
Ms. Anita C. McCorkle	09/21/2001	06/30/2003
CHILD FATALITY TASK FORCE		
G.S. 7B-1402(b)		
Senator Austin M. Allran	03/23/2001	01/31/2003
The Honorable Frank Emory	03/23/2001	01/31/2003
Mrs. Kay James	03/23/2001	01/31/2003
Mr. Daniel Mallison III	03/23/2001	01/31/2003
Senator R. L. Martin	03/23/2001	01/31/2003
Senator William N. Martin	03/23/2001	01/31/2003
The Honorable Frank Parrish	03/23/2001	01/31/2003
Major Dwight Pettiford	03/23/2001	01/31/2003
Senator William R. Purcell	03/23/2001	01/31/2003
Senator Scott Thomas	03/23/2001	01/31/2003
CHILDREN AND YOUTH, GOVERNOR'S ADVOCACY COUNCIL		
G.S. 143B-415		
Senator Eleanor Kinnaird	07/01/2001	06/30/2005
Senator Jeanne H. Lucas	07/01/2001	06/30/2005
CHILDREN AND YOUTH STUDY COMMISSION		
G.S. 120-215		
Senator Eleanor Kinnaird (Co-Ch)	09/20/2001	08/30/2003
Senator Stan Bingham	09/20/2001	08/30/2003
Dr. Margaret Bourdeaux	09/20/2001	08/30/2003
Mr. John Combs	09/20/2001	08/30/2003
Senator Cal Cunningham	09/20/2001	08/30/2003
Sergeant Major Johnny Ray Farmer	09/20/2001	08/30/2003
Mr. Joseph Jay Gaca	09/20/2001	08/30/2003
Senator Jeanne H. Lucas	09/20/2001	08/30/2003
Mr. Ron Morton	09/20/2001	08/30/2003
Senator Scott Thomas	09/20/2001	08/30/2003
The Honorable Kenneth C. Titus	09/20/2001	08/30/2003
CHIROPRACTIC EXAMINERS STATE BOARD		
G.S. 90-139(a)		
Dr. Richard K. Davis	06/30/2001	06/30/2004
CODE OFFICIALS QUALIFICATION BOARD		
G.S. 151.9(a)		
Mr. William Rakatansky	06/30/2001	06/30/2005

President Pro Tempore Appointments**Appointed****Expires****CORRECTIONS, CRIME CONTROL AND JUVENILE JUSTICE OVERSIGHT COMMITTEE**

G.S. 120-70.93(1)

Senator Luther H. Jordan, Jr. (Co-Ch)	03/20/2001	01/15/2003
Senator Frank W. Ballance, Jr.	03/20/2001	01/15/2003
Senator Stan Bingham	03/20/2001	01/15/2003
Senator Eleanor Kinnaird	03/20/2001	01/15/2003
Senator Brad Miller	03/20/2001	01/15/2003
Senator Robert G. Shaw	03/20/2001	01/15/2003
Senator Scott Thomas	03/20/2001	01/15/2003
Senator Allen H. Wellons	03/20/2001	01/15/2003

COURTS COMMISSION

G.S. 7A-506

Mr. Darren Cranfill	07/01/2001	06/30/2005
Mrs. Susan Dotson-Smith	07/01/2001	06/30/2005
Mr. J. Carl Hayes	07/01/2001	06/30/2005

CRIME COMMISSION

G.S. 143B-478

Senator Luther H. Jordan, Jr.	02/28/2001	02/28/2003
Senator Allen H. Wellons	02/28/2001	02/28/2003

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

G.S. 17C-3(a)(5)

Mr. Terry Lee Waterfield	09/19/2001	06/30/2003
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CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD

G.S. 143-661(b)(2)

Mr. Stuart H. LeGrand	06/30/2001	06/30/2005
Lieutenant Kenneth Wiseman	06/30/2001	06/30/2005

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

G.S. 143B-273.6

The Honorable Reginald Wells	12/11/2001	11/30/2004
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DEAF AND HARD OF HEARING COUNCIL

G.S. 143B-216.32

Senator Brad Miller	10/02/2001	06/30/2005
Senator A. B. Swindell IV	10/02/2001	06/30/2005

DOMESTIC VIOLENCE COMMISSION

G.S. 143B-394.15(c)(2)

The Honorable Dina Foster	08/30/2001	08/31/2003
Ms. Sharon Hunt	08/30/2001	08/31/2003
Sergeant John Guard	08/30/2001	08/31/2003
Senator Jeanne H. Lucas	08/30/2001	08/31/2003
The Honorable Colon Willoughby	08/30/2001	08/31/2003

President Pro Tempore Appointments	Appointed	Expires
ECONOMIC DEVELOPMENT BOARD		
G.S. 143B-434(b)		
Senator Wib Gulley	07/01/2001	06/30/2005
Senator Fletcher L. Hartsell, Jr.	07/01/2001	06/30/2003
Senator David W. Hoyle	07/01/2001	06/30/2005
EDUCATION OVERSIGHT JOINT LEGISLATIVE COMMITTEE		
G.S. 120-70.80		
Senator Charles Carter	03/22/2001	01/31/2003
Senator Walter H. Dalton	03/22/2001	01/31/2003
Senator Charlie S. Dannelly	03/22/2001	01/31/2003
Senator Linda Garrou	10/02/2001	01/31/2003
Senator John A. Garwood	03/22/2001	01/31/2003
Senator Fletcher L. Hartsell, Jr.	03/22/2001	01/31/2003
Senator Howard N. Lee	03/22/2001	01/31/2003
Senator Jeanne H. Lucas	03/22/2001	01/31/2003
Senator William N. Martin	03/22/2001	01/31/2003
Senator Eric Miller Reeves	03/22/2001	01/31/2003
Senator Robert A. Rucho	03/22/2001	01/31/2003
EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN COUNCIL		
G.S. 115C-121(b)		
Senator Jeanne H. Lucas	10/22/2001	06/30/2003
Ms. Elizabeth H Thompson	10/22/2001	06/30/2003
EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL		
G.S. 143-510		
Senator James Forrester	03/20/2001	01/15/2003
Dr. Steven Edward Landau	09/18/2001	06/30/2003
Mr. Stephen E. Taylor	09/18/2001	06/30/2005
Senator Allen H. Wellons	03/20/2001	01/15/2003
EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE		
G.S. 135-38		
Senator Charlie S. Dannelly	02/15/2001	01/14/2003
Senator James Forrester	02/15/2001	01/14/2003
Senator Kay R. Hagan	02/15/2001	01/14/2003
Senator David W. Hoyle	02/15/2001	01/14/2003
Senator Aaron W. Plyler	02/15/2001	01/14/2003
Senator Tony Rand	01/01/2001	12/31/2002
ENERGY POLICY COUNCIL		
G.S. 113B-3(a)		
Senator Hamilton C. Horton, Jr.	03/20/2001	01/31/2003
Senator Eleanor Kinnaird	03/20/2001	01/31/2003
ENVIRONMENTAL MANAGEMENT COMMISSION		
G.S. 143-283(d)		
The Honorable Thomas K. Jenkins	06/30/2001	06/30/2003
Mr. Maurice Anthony Lasher	06/30/2001	06/30/2003
Dr. Robert Ray	06/30/2001	06/30/2003

President Pro Tempore Appointments	Appointed	Expires
ENVIRONMENTAL REVIEW COMMISSION		
G.S. 120-70.42		
Senator T. LaFontine Odom, Sr. (Co-Ch)	03/20/2001	01/31/2003
Senator Charles W. Albertson	03/20/2001	01/31/2003
Senator Daniel G. Clodfelter	03/20/2001	01/31/2003
Senator James Forrester	03/20/2001	01/31/2003
Senator Hamilton C. Horton, Jr.	03/20/2001	01/31/2003
Senator Eleanor Kinnaird	03/20/2001	01/31/2003
Senator R. L. Martin	03/20/2001	01/31/2003
ETHICS COMMITTEE		
G.S. 120-99		
Senator Howard N. Lee (Co-Ch)	03/26/2001	01/15/2003
Senator John A. Garwood	03/26/2001	01/15/2003
Senator Fletcher L. Hartsell, Jr.	03/26/2001	01/15/2003
Senator Jeanne H. Lucas	03/26/2001	01/15/2003
Senator Stephen M. Metcalf	03/26/2001	01/15/2003
FAMILY-CENTERED SERVICES ADVISORY COMMITTEE		
G.S. 143B-150.7		
Mr. Jerry Eugene Allen	06/30/2001	06/30/2005
Senator Charlie S. Dannelly	06/30/2001	06/30/2005
Senator John A. Garwood	06/30/2001	06/30/2005
Senator Eleanor Kinnaird	06/30/2001	06/30/2005
FEE-BASED PRACTICING PASTORAL COUNSELORS BOARD OF EXAMINERS		
G.S. 90-385		
Ms. Shari Sweeney	10/01/2001	09/30/2005
FIRE AND RESCUE COMMISSION		
G.S. 58-78-1		
Mr. Hiram Brinson	06/30/2001	06/30/2004
FIRST FLIGHT CENTENNIAL COMMISSION		
G.S. 143-640(c)		
Mrs. Penny Leary-Smith	07/01/2001	06/30/2003
Mr. William Williams, Jr.	07/01/2001	06/30/2003
Mr. Edwin Woodhouse	07/01/2001	06/30/2003
FORESTRY COUNCIL		
G.S. 143B-309(a)(4)		
Mr. William Griffin	07/01/2001	06/30/2005
Mr. R. E. Newton	07/01/2001	06/30/2005
Mr. Gordon J. Smith	07/01/2001	06/30/2005
FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA		
SL1997-40		
Senator David W. Hoyle (Co-Ch)	01/15/2001	01/15/2003
Senator Daniel G. Clodfelter	01/15/2001	01/15/2003
Senator Walter H. Dalton	01/15/2001	01/15/2003

President Pro Tempore Appointments	Appointed	Expires
FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA (Continued)		
Senator James Forrester	01/15/2001	01/15/2003
Senator Kay R. Hagan	01/15/2001	01/15/2003
Senator Fletcher L. Hartsell, Jr.	01/15/2001	01/15/2003
Senator R. L. Martin	01/15/2001	01/15/2003
Senator T. LaFontine Odom, Sr.	01/15/2001	01/15/2003
Senator Tony Rand	01/12/2001	01/15/2003
FUTURE OF THE NORTH CAROLINA RAILROAD STUDY COMMISSION		
G.S. 120-246(2)		
Senator Eric Miller Reeves	10/02/2001	01/14/2003
GENERAL STATUTES COMMISSION		
G.S. 164-14(a)(7)		
Senator Fletcher L. Hartsell, Jr.	05/31/2001	05/31/2003
GEOGRAPHIC INFORMATION COORDINATING COUNCIL		
G.S. 143-725(c)		
Mr. Thomas B. Gray, Jr .	11/26/2001	05/31/2002
Mr. Billy Ray Hall	11/26/2001	05/31/2002
Mr. Timothy Lesser	11/26/2001	05/31/2002
GLOBAL TRANSPARK AUTHORITY, BOARD OF DIRECTORS		
G.S. 63A-3		
Mr. Howard B. Chapin	06/30/2001	06/30/2005
Mr. Frank Holding, Jr.	06/30/2001	06/30/2005
GOLDEN L.E.A.F (Long-Term Economic Advancement Foundation) CORPORATION, INC.		
SL1999-2		
Mr. William Clarke	11/26/2001	11/30/2005
Mr. John Harmon	11/26/2001	11/30/2005
GOVERNMENTAL OPERATIONS JOINT LEGISLATIVE COMMISSION		
G.S. 120-74		
Senator Charles W. Albertson	02/19/2001	01/15/2003
Senator Patrick J. Ballantine	02/19/2001	01/15/2003
Senator James Forrester	02/19/2001	01/15/2003
Senator Linda Garrou	02/19/2001	01/15/2003
Senator Wib Gulley	02/19/2001	01/15/2003
Senator David W. Hoyle	02/19/2001	01/15/2003
Senator Howard N. Lee	02/19/2001	01/15/2003
Senator Jeanne H. Lucas	02/19/2001	01/15/2003
Senator T. LaFontine Odom, Sr.	02/19/2001	01/15/2003
Senator Aaron W. Plyler	02/19/2001	01/15/2003
Senator Eric Miller Reeves	02/19/2001	01/15/2003
Senator Robert A. Rucho	10/02/2001	01/15/2003
Senator Robert G. Shaw	02/19/2001	01/15/2003
Senator R. C. Soles, Jr.	02/19/2001	01/15/2003
Senator Ed Warren	02/19/2001	01/15/2003
Senator Allen H. Wellons	02/19/2001	01/15/2003

President Pro Tempore Appointments	Appointed	Expires
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HEALTH AND WELLNESS TRUST FUND ADVISORY COUNCIL

SL2000-147 sec. 2

The Honorable Mary Ann Black	06/30/2001	06/30/2005
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HEALTH AND WELLNESS TRUST FUND COMMISSION

G.S. 147-86.32; SL2000-147 sec. 2

Mrs. Mary Ann Black	07/01/2001	06/30/2005
The Honorable Mary Ann Black	02/13/2001	06/30/2001
Ms. Carole Bruce	02/13/2001	06/30/2004
Dr. Jeffrey Houpt	02/13/2001	06/30/2004
Dr. Olson Huff	02/13/2001	06/30/2002
Dr. Ed Monroe	02/13/2001	06/30/2002
Mr. Robert Parker	02/13/2001	06/30/2003

HEALTH CARE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.110(1)

Senator Tony Rand (Co-Ch)	03/20/2001	01/31/2003
Senator James Forrester	03/20/2001	01/31/2003
Senator Linda Garrou	03/20/2001	01/31/2003
Senator Wib Gulley	03/20/2001	01/31/2003
Senator Fletcher L. Hartsell, Jr.	03/20/2001	01/31/2003
Senator Jeanne H. Lucas	03/20/2001	01/31/2003
Senator William R. Purcell	03/20/2001	01/31/2003
Senator Robert A. Rucho	03/20/2001	01/31/2003

HIGHER EDUCATION BOND OVERSIGHT COMMITTEE

SL2000-3

Mr. Paul Fulton (Co-Ch)	01/30/2001	01/14/2004
Ms. Ruth G. Shaw	01/30/2001	01/14/2004
Mr. William G. Smith	01/30/2001	01/14/2004

HIGHWAY TRUST FUND STUDY COMMITTEE

SL2001-424

Senator Daniel G. Clodfelter	12/18/2001	04/01/2002
Senator Linda Garrou	12/18/2001	04/01/2002
Senator David W. Hoyle	12/18/2001	04/01/2002
Mr. Samuel Hunt	12/18/2001	04/01/2002
Senator Larry Shaw	12/18/2001	04/01/2002
Mr. Charlie Shelton	12/18/2001	04/01/2002
Mr. Robert Spencer	12/18/2001	04/01/2002

HOLOCAUST COUNCIL

G.S. 143B-216.21

Mr. Richard Barnes	07/01/2001	06/30/2003
Ms. Adele Vogelhut Bedrick	07/01/2001	06/30/2003
Mr. Raymond Lee Holder, Jr	07/01/2001	06/30/2003
Mr. Thomas Michael Kowalick	07/01/2001	06/30/2003
Mrs. Karen Rectanus	07/01/2001	06/30/2003
Ms. Marianne Wason	07/01/2001	06/30/2003

President Pro Tempore Appointments	Appointed	Expires
HOUSING FINANCE AGENCY BOARD OF DIRECTORS		
G.S. 122A-4(c)		
Mr. Adam Abram	06/30/2001	06/30/2003
Ms. Patricia Garrett	06/30/2001	06/30/2003
Mr. William Womble, Jr.	06/30/2001	06/30/2005
Mr. Robert Yatko	06/30/2001	06/30/2005
INDIAN AFFAIRS COMMISSION		
G.S. 143B-407		
Mr. Paul Brooks	06/30/2001	06/30/2003
INFORMATION RESOURCE MANAGEMENT COMMISSION		
G.S. 147-33.78		
Mr. Rufus Edmisten	07/11/2001	06/30/2005
INFORMATION TECHNOLOGY JOINT SELECT COMMITTEE		
G.S. 120-232(a)(3)		
Senator Eric Miller Reeves (Co-Ch)	08/15/2001	08/15/2003
Senator Austin M. Allran	08/15/2001	08/15/2003
Senator Charles Carter	08/15/2001	08/15/2003
Senator Daniel G. Clodfelter	08/15/2001	08/15/2003
Senator Kay R. Hagan	10/02/2001	08/15/2003
INFRASTRUCTURE COUNCIL		
G.S. 143B-344.30		
Senator John H. Kerr III	07/01/2001	06/30/2003
Senator Stephen M. Metcalf	07/01/2001	06/30/2003
Mr. Tyndall Lewis	07/01/2001	06/30/2003
JUDICIAL COUNCIL		
G.S. 7A-409(a)(13)		
Mr. Robert G. Ray	12/18/2001	12/31/2004
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY COUNCIL		
G.S. 143B-536		
Senator Jeanne H. Lucas	01/01/2002	12/31/2003
LEGISLATIVE RESEARCH COMMISSION		
G.S. 120-30.10		
Senator Austin M. Allran	03/20/2001	01/15/2003
Senator Linda Garrou	03/20/2001	01/15/2003
Senator Jeanne H. Lucas	03/20/2001	01/15/2003
Senator R. L. Martin	03/20/2001	01/15/2003
Senator Ed Warren	03/20/2001	01/15/2003
LEGISLATIVE SERVICES COMMISSION		
G.S. 120-31		
Senator John H. Carrington	03/20/2001	01/15/2003
Senator Walter H. Dalton	03/20/2001	01/15/2003

President Pro Tempore Appointments	Appointed	Expires
LEGISLATIVE SERVICES COMMISSION (Continued)		
Senator Virginia Foxx	03/20/2001	01/15/2003
Senator R. L. Martin	03/20/2001	01/15/2003
Senator Brad Miller	03/20/2001	01/15/2003
Senator Eric Miller Reeves	03/20/2001	01/15/2003
Senator Larry Shaw	03/20/2001	01/15/2003
LOCAL GOVERNMENT COMMISSION		
G.S. 159-3(a)		
Mr. Marcus Clifton King	06/12/2001	06/30/2005
MANUFACTURED HOUSING BOARD		
G.S. 143-143.10		
Mr. Troy Brickey	10/01/2001	09/30/2004
Mr. J. P. Cauley	10/01/2001	09/30/2004
MASSAGE AND BODYWORK THERAPY BOARD		
G.S. 90-625(a)		
Mr. Wayne Paul Seville	06/30/2001	06/30/2003
MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES COMMISSION		
G.S. 143B-148		
Mr. Mansfield Elmore	06/30/2001	06/30/2003
Ms. Jeanne Fenner	06/30/2001	06/30/2003
Dr. Bernard H. Sullivan, Jr.	10/10/2001	06/30/2003
MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES JOINT LEGISLATIVE OVERSIGHT COMMITTEE		
G.S. 120-240(b)		
Senator Stephen M. Metcalf (Co-Ch)	01/24/2001	01/15/2003
Senator Austin M. Allran	01/24/2001	01/15/2003
Senator Charlie S. Dannelly	01/24/2001	01/15/2003
Senator Virginia Foxx	01/24/2001	01/15/2003
Senator Oscar N. Harris	01/24/2001	01/15/2003
Senator Jeanne H. Lucas	01/24/2001	01/15/2003
Senator William N. Martin	01/24/2001	01/15/2003
Senator William R. Purcell	01/24/2001	01/15/2003
MORTUARY SCIENCE BOARD		
G.S. 90-210.18		
Mr. Windell Daniels	01/01/2002	12/31/2004
MUNICIPAL INCORPORATIONS JOINT LEGISLATIVE COMMISSION		
G.S. 120-158		
Senator Kay R. Hagan	07/01/2001	06/30/2003
Senator Fletcher L. Hartsell, Jr.	07/01/2001	06/30/2003
Mr. David Hollec	07/01/2001	06/30/2003

President Pro Tempore Appointments	Appointed	Expires
MUSEUM OF ART		
G.S. 140-5.13(b)(5)		
Mrs. Julia Bryan Jones Daniels	06/30/2001	06/30/2003
Mrs. Elizabeth Hobgood Wellons	06/30/2001	06/30/2003
NATURAL HERITAGE TRUST FUND BOARD OF TRUSTEES		
G.S. 113-77.8(a)		
Mr. J. Robert `Bob' Gordon	12/01/2001	12/31/2005
Mr. Dewey Wells	12/01/2001	12/31/2005
NEW LICENSING BOARDS LEGISLATIVE COMMITTEE		
G.S. 120-149.6		
Senator Fletcher L. Hartsell, Jr.	03/14/2001	01/15/2003
Senator R. L. Martin	03/14/2001	01/15/2003
Senator Brad Miller	03/14/2001	01/15/2003
Senator R. C. Soles, Jr.	03/14/2001	01/15/2003
Senator Allen H. Wellons	03/14/2001	01/15/2003
NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION		
G.S. 158-8.2(b)(2)		
Mr. Ben Berry	06/30/2001	06/30/2003
Mr. Ernie Bowden	06/30/2001	06/30/2003
Mr. Ray Hollowell, Jr.	06/30/2001	06/30/2003
Mrs. Elsie Griggs Hollowell Pugh	06/30/2001	06/30/2003
Mr. Charlie Shaw	06/30/2001	06/30/2003
The Honorable Robert B. Spivey	06/30/2001	06/30/2003
PUBLIC SCHOOL FORUM OF NORTH CAROLINA, INC. BOARD OF DIRECTORS		
Art. II, Sec. 2 (B) (IV)		
Senator Fletcher L. Hartsell, Jr.	03/20/2001	01/15/2003
Senator Howard N. Lee	03/20/2001	01/15/2003
Senator William N. Martin	03/20/2001	01/15/2003
Senator Walton H. Dalton	03/20/2001	01/15/2003
RAILROAD BOARD OF DIRECTORS		
G.S. 124-6(b)		
Mr. Thomas P. Dillon	06/30/2001	06/30/2005
Mr. Michael Weisel	06/30/2001	06/30/2003
NURSING BOARD OF DIRECTORS		
G.S. 90-171.71(a)		
Mr. Robert E. Morrison	06/30/2001	06/30/2004
NURSING SCHOLARS COMMISSION		
G.S. 90-171.60(b)(4)		
Ms. Virginia Adams	06/30/2001	06/30/2005
Ms. Kathy Weeks	06/30/2001	06/30/2005

President Pro Tempore Appointments**Appointed****Expires****OPTIONAL RETIREMENT PROGRAM STUDY COMMISSION**

SL 2001-424

Senator Howard N. Lee, (Co-Ch)	12/06/2001	Final Report
Senator Charles Carter	12/06/2001	Final Report
Ms. Laurie Charest	12/06/2001	Final Report
Senator Walter H. Dalton	12/06/2001	Final Report
Mr. Joe Ferrell	12/06/2001	Final Report
Senator Linda Garrou	12/06/2001	Final Report

PARKS AND RECREATION AUTHORITY

G.S. 143B-313.2

Ms. Harriet Farrior	09/24/2001	06/30/2003
Mr. Edwin C. Holbrook	09/24/2001	06/30/2002
Mr. Todd Tilley	09/17/2001	06/30/2004

PARTNERSHIP FOR CHILDREN BOARD OF DIRECTORS

G.S. 143B-168.12(a)(1)

Mr. Jay F. Burrus	01/02/2002	01/01/2005
Ms. Susan Eaves	01/02/2002	01/01/2005
Mr. Lorance Henderson	01/02/2002	01/01/2005

PERSONS WITH DISABILITIES GOVERNOR'S ADVOCACY COUNCIL

G.S. 143B-403.2

Mr. Bobby Bollinger, Jr.	06/30/2001	06/30/2003
Ms. Jo Anne Jeffries	06/30/2001	06/30/2003
Mr. George Kerns	06/30/2001	06/30/2003
Mrs. Emily H. Moore	06/30/2001	06/30/2003
Mr. Anthony D. Mulvihill	06/30/2001	06/30/2003
Mr. Terry Eugene Osborne	06/30/2001	06/30/2003
Mrs. Dianne Fales Wright	06/30/2001	06/30/2003

PETROLEUM UNDERGROUND STORAGE TANK FUNDS COUNCIL

G.S. 143-215.940

Mrs. Anne Coan	06/30/2001	06/30/2003
Mr. Michael Richard Haire	06/30/2001	06/30/2003
Mr. Douglas Howey	06/30/2001	06/30/2003
Mr. Thomas Mehder	06/30/2001	06/30/2003
Mr. Bill Weatherspoon	06/30/2001	06/30/2003

PHYSICAL FITNESS AND HEALTH GOVERNOR'S COUNCIL

G.S. 130A-33.41(1)

Senator Dan Robinson	07/01/2001	07/01/2003
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STATE PORTS AUTHORITY

G.S. 143B-452

Ms. Betty Medlin	06/30/2001	06/30/2003
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PRIVATE PROTECTIVE SERVICES BOARD

G.S. 74C-4(b)

Mr. Mack Donaldson	06/30/2001	06/30/2004
Mr. James Robert Forsythe	10/03/2001	06/30/2003

President Pro Tempore Appointments	Appointed	Expires
PROGRESS BOARD		
G.S. 143B-372.1(b)(4)		
Mrs. Janice McKenzie Cole	07/01/2001	06/30/2005
Senator A. B. Swindell IV	10/18/2001	06/30/2005
PUBLIC ASSISTANCE JOINT LEGISLATIVE COMMISSION		
G.S. 120-225		
Senator William N. Martin (Co-Ch)	03/20/2001	01/15/2003
Senator Frank W. Ballance, Jr.	03/20/2001	01/15/2003
Senator Cal Cunningham	03/20/2001	01/15/2003
Senator Charlie S. Dannelly	03/20/2001	01/15/2003
Senator James Forrester	03/20/2001	01/15/2003
Senator Fletcher L. Hartsell, Jr.	03/20/2001	01/15/2003
Senator Eleanor Kinnaid	03/20/2001	01/15/2003
Senator Jeanne H. Lucas	03/20/2001	01/15/2003
Senator William R. Purcell	03/20/2001	01/15/2003
Senator Allen H. Wellons	03/20/2001	01/15/2003
PUBLIC EMPLOYEE DEFERRED COMPENSATION PLAN BOARD OF TRUSTEES		
G.S. 143B-426.24(b)		
Mr. Richard Burton	06/30/2001	06/30/2003
PUBLIC HEALTH STUDY COMMISSION		
G.S. 120-195		
Mrs. Susan Neeley	07/01/2001	06/30/2003
Mr. Robert Parker	07/01/2001	06/30/2003
PUBLIC TELECOMMUNICATIONS AGENCY		
G.S. 143B-426.9(4)		
Mr. Thomas Archbell Morrow	06/30/2001	06/30/2003
Mr. Anthony M. Copeland	06/30/2001	06/30/2003
REVENUE LAWS STUDY COMMITTEE		
G.S. 120-70.105(1)		
Senator John H. Kerr III (Co-Ch)	03/22/2001	01/14/2003
Senator Daniel G. Clodfelter	03/22/2001	01/14/2003
Senator Walter H. Dalton	03/22/2001	01/14/2003
Senator Fletcher L. Hartsell, Jr.	03/22/2001	01/14/2003
Senator David W. Hoyle	03/22/2001	01/14/2003
Mr. Leonard Jones	03/22/2001	01/14/2003
Mr. J. Micah Pate III	03/22/2001	01/14/2003
Senator Hugh Webster	03/22/2001	01/14/2003
ROANOKE ISLAND COMMISSION		
G.S. 143B-131.6(a)		
Mrs. Arvilla Bowser	06/30/2001	06/30/2003
Mr. Tod Clissold	06/30/2001	06/30/2003
Ms. Bebe Woody	06/30/2001	06/30/2003

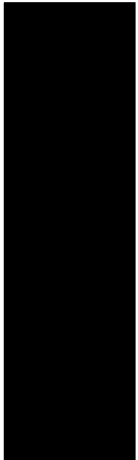
President Pro Tempore Appointments	Appointed	Expires
RULES REVIEW ADMINISTRATIVE COMMISSION		
G.S. 143B-30.1(a)		
Ms. Laura De Van	09/19/2001	06/30/2003
Mr. Jim Funderburke	09/19/2001	06/30/2003
Mr. Thomas Hilliard III	09/19/2001	06/30/2003
Mr. David Ray Twiddy	09/19/2001	06/30/2003
RURAL INTERNET ACCESS AUTHORITY COMMISSION		
G.S. 143B-437.42(b)		
Dr. Donald P. Altieri	08/01/2001	07/31/2002
The Honorable Patricia Ferguson	08/01/2001	07/31/2002
Mr. Williams S. Wellons, Jr.	08/01/2001	07/31/2002
SCHOOL OF SCIENCE AND MATHEMATICS BOARD OF TRUSTEES		
G.S. 116-233(a)(5)		
Mr. Richard Green	06/30/2001	06/30/2005
SCHOOL TECHNOLOGY COMMISSION		
G.S. 115C-102.5(b)(6)		
Mr. Fred Bartholomew (Co-Ch)	07/01/2001	06/30/2003
Senator Howard N. Lee	07/01/2001	06/30/2003
Senator William N. Martin	07/01/2001	06/30/2003
Mr. Terry Mitchell	07/01/2001	06/30/2003
Mr. Gary Steppe	07/01/2001	06/30/2003
Mrs. Brenda Tinkham	07/01/2001	06/30/2003
SCIENCE AND TECHNOLOGY BOARD		
G.S. 143B-426.31(a)		
Mr. Kirk Alan Preiss	06/30/2001	06/30/2003
SEAFOOD AND AQUACULTURE JOINT LEGISLATIVE COMMISSION		
G.S. 120-70.61		
Senator Charles W. Albertson (Co-Ch)	02/15/2001	01/31/2003
Senator Luther H. Jordan, Jr.	02/15/2001	01/31/2003
Senator Robert G. Shaw	02/15/2001	01/31/2003
Senator Scott Thomas	02/15/2001	01/31/2003
SEAFOOD INDUSTRIAL PARK AUTHORITY		
G.S. 113-315.25		
Mr. Russell Lee Stetson	06/30/2001	06/30/2003
SENTENCING AND POLICY ADVISORY COMMISSION		
G.S. 164-37		
Senator Frank W. Ballance, Jr.	07/01/2001	06/30/2003
Senator Wib Gulley	07/01/2001	06/30/2003
Senator Brad Miller	07/01/2001	06/30/2003
Ms. Lao Rupert	07/01/2001	06/30/2003
LICENSING OF SOIL SCIENTISTS BOARD		
G.S. 89F-4(a)		
Mr. Kevin Charles Martin	06/30/2001	06/30/2004

President Pro Tempore Appointments	Appointed	Expires
SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION		
G.S. 158-8.3(b)(4)		
Mr. William W. Phipps	06/30/2001	06/30/2005
Mr. Kenneth Robinette	06/30/2001	06/30/2005
Ms. Jane Smith	06/30/2001	06/30/2005
SOUTHERN DAIRY COMPACT COMMISSION		
G.S. 106-811(a)(3)		
Mr. Dewitt Hardee	06/30/2001	06/30/2005
SOUTHERN GROWTH POLICIES BOARD		
G.S. 143-492(a)(2)		
Senator David F. Weinstein	03/21/2001	06/30/2001
SOUTHERN STATES ENERGY BOARD		
G.S. 104D-2(a)(3)		
Senator David W. Hoyle	03/20/2001	01/15/2003
STATE BAR DISCIPLINARY HEARING COMMISSION		
G.S. 84-28.1(a)		
Ms. Marguerite P. Watts	12/10/2001	06/30/2004
STATE CAPITOL FOUNDATION INCORPORATED BOARD		
	Term: Pleasure of appointive authority.	
Senator Eric Miller Reeves	04/10/2001	
SUBSTANCE ABUSE ADVISORY COUNCIL		
G.S. 143B-270(b)		
Mr. Ervin Bateman	10/01/2001	09/30/2005
TEACHER ACADEMY BOARD OF TRUSTEES		
G.S. 116-30.01(c)		
Mr. William Cunningham III	06/30/2001	06/30/2005
Ms. Louise Ramsey	06/30/2001	06/30/2005
TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN BOARD OF TRUSTEES		
G.S. 135-39(d)		
Mrs. Althea Calloway	06/30/2001	06/30/2003
Dr. Joseph Jenkins	06/30/2001	06/30/2003
Mr. James Vann	06/30/2001	06/30/2002
TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES		
G.S. 135-6(b)(4)		
Mr. John H. Cilley IV	06/30/2001	06/30/2003
TEACHING FELLOWS COMMISSION		
G.S. 115C-363.23(a)(4)		
Dr. LeRoy Walker	06/30/2001	06/30/2005

President Pro Tempore Appointments	Appointed	Expires
THERAPEUTIC RECREATION CERTIFICATION BOARD		
G.S. 90C-5(b)(3)		
Mr. Michael S. Holder	06/30/2001	06/30/2004
TOBACCO TRUST FUND COMMISSION		
G.S. 143-717(b)(2)		
Mr. Joe L. Inman	07/01/2001	06/30/2005
TRANSPORTATION JOINT LEGISLATIVE OVERSIGHT COMMITTEE		
G.S. 120-70.50(1)		
Senator Wib Gulley (Co-Ch)	02/13/2001	01/14/2003
Senator David W. Hoyle	02/13/2001	01/14/2003
Senator Philip E. Berger	10/02/2001	01/14/2003
Senator Robert C. Carpenter	02/13/2001	01/14/2003
Senator Hamilton C. Horton, Jr.	02/13/2001	01/14/2003
Senator John H. Kerr III	02/13/2001	01/14/2003
Senator R. L. Martin	02/13/2001	01/14/2003
Senator Tony Rand	02/13/2001	01/14/2003
Senator Eric Miller Reeves	02/13/2001	01/14/2003
UNC CENTER FOR PUBLIC TELEVISION BOARD OF TRUSTEES		
G.S. 116-37.1(b)(1)		
Ms. Beverly McCracken	06/30/2001	06/30/2003
VETERINARY MEDICAL BOARD		
G.S. 90-182(a)		
Dr. Amy J. Lewis	07/11/2001	06/30/2005
VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION		
SL2001-266 sec. 1		
Senator Linda Garrou	10/02/2001	Life of Commission
Senator Wib Gulley	07/13/2001	Life of Commission
Senator Kay R. Hagan	07/13/2001	Life of Commission
Senator Robert A. Rucho	07/13/2001	Life of Commission
VOCATIONAL REHABILITATION ADVISORY COUNCIL		
G.S. 143-548(a)(1)		
Mr. Jim McDermott	07/01/2001	06/30/2004
WESTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION		
G.S. 158-8.1		
Mr. William F. Forsyth	06/30/2001	06/30/2005
Mr. Kenneth Charles Hankinson	06/30/2001	06/30/2005
Mr. Mike Hawkins	06/30/2001	06/30/2003
Mr. D. Samuel Neill	06/30/2001	06/30/2005

President <i>Pro Tempore</i> Appointments	Appointed	Expires
WILDLIFE RESOURCES COMMISSION		
G.S. 143-241		
Mr. Russell Mohn Hull, Jr.	09/20/2001	04/23/2003
Mr. John Edward Pechmann	09/20/2001	04/23/2003
Mr. Eugene Price	09/20/2001	04/23/2003
Mr. Charles Robert Tolley	12/05/2001	04/24/2003
WIRELESS 911 BOARD		
G.S. 62A-22		
Ms. Leigh Emick Horner	08/24/2001	06/30/2002

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H	573	Campaign Report Notarization Eliminated (S.L. 2001-235.).....	437, 668, 678, 683, 722.
H	575	Fair Bluff Boundaries (S.L. 2001-55.).....	232, 514, 517, 523, 527, 539.
H	576	Abolish Alienation of Affection/Criminal Conversation (Judiciary II Com).....	394, 970, 978, 1006, 1016.
H	583	Modify Nash Occupancy Tax (S.L. 2001-349.).....	830, 884, 890, 897, 902, 921.
H	593	Health Insurance: Licensed Professional Counselor (S.L. 2001-297.).....	337, 737, 749, 794, 835.
H	597	Charlotte Advisory Referendum (S.L. 2001-10.).....	243, 251, 252, 254, 276.
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H	599	Revise Consumer Finance Act (S.L. 2001-519.).....	495, 1138, 1141, 1153, 1219, 1223, 1239, 1251, 1273, 1286, 1298, 1346, 1409, 1420, 1429.
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H	633	Archdale Doughnut Hole Annexation (S.L. 2001-39.).....	257, 440, 456, 487, 494, 497.
H	635	Regulate Body Piercing (Finance Com).....	1083, 1142.
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H	643	Testimonial Privilege for Violence Victims (S.L. 2001-277.).....	437, 676, 686, 688, 695, 767, 807.
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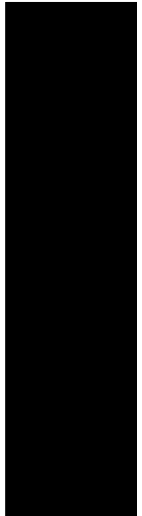
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FIRST SESSION

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New Hanover (part), Onslow (part), Pender (part).

Absent of Leave..... 111 (portion), 778, 979 (portion), 1004, 1008, 1129, 1282.

Adjournment Motion—Second..... 194, 545, 852, 1225, 1271, 1292, 1356.

Certificate of Election..... 6.

Committee Assignments—

Conference.....	696, 700, 1224, 1225, 1268, 1359, 1373.
Standing.....	44, 45, 46.

Escorts—

The Honorable Michael F. Easley, Governor	85.
Azalea Princess and Court	202.
The Honorable I. Beverly Lake, Jr., Chief Justice of the Supreme Court	224.
McDonald’s All-American High School Basketball Team.....	231.

Journal Approval

Oath of Office..... 7.

Remarks Spread—

S 173 No Death Penalty/Mentally Retarded	416.
S 1078 Improve Air Quality/Electric Utilities	427, 428.
Memorializing Willie Stargell	863.
Honoring The Reverend Billy Graham	910.
Honoring Founders of Town of Wingate.....	1044, 1045.

Republican Caucus Election-Minority Leader..... 38.

Bills and Resolutions—(Senate Bills)

Primary Sponsor	29, 30, 32, 159, 229, 230, 231, 232, 233, 693, 926, 1093, 1094.
Co-Sponsor	13, 23, 26, 31, 85, 94, 96, 109, 120, 123, 131, 212, 215, 228, 282, 283, 285, 300, 301, 329, 372, 398, 402, 450, 470, 500, 522, 523, 537, 542, 569, 599, 641, 648, 679, 680, 692, 696,

BALLANTINE, SENATOR PATRICK J. (continued)

Bills and Resolutions—(Senate Bills) (continued)

Co-Sponsor (continued)

708, 713, 770, 802, 807, 837, 854, 859, 913,
938, 944, 957, 978, 980, 1011, 1012, 1074,
1075, 1078, 1105, 1106, 1107, 1108.

BANKS [G.S. 53]

S	1066	Amend Appraisers Act (S.L. 2001-399.).....	321, 731, 803, 813, 947, 952, 957, 959, 1013.
H	1098	Amend Deposit Account Law (S.L. 2001-267.).....	453, 731, 739, 747, 783.
S	398	Check Casher Act Sunset Extended (S.L. 2001-323.).....	154, 335, 347, 852, 858, 860, 873.
S	904	Enact Mortgage Lending Act (S.L. 2001-393.).....	300, 842, 846, 850, 952, 957, 961, 963, 974.
H	1113	Financial Records Kept Confidential (Judiciary I Com).....	453, 849, 856, 862.
S	860	Interstate Trust Business (S.L. 2001-263.).....	286, 374, 512, 536, 543, 721, 783.
S	890	Money Transmitters Act (S.L. 2001-443.).....	299, 562, 857, 869, 1135, 1150, 1152, 1218.
S	862	Procedure for Delayed Deposit Checks (Finance Com).....	287, 953.
S	764	Reorganize Savings Institution Division (Commerce Com).....	261.
H	803	Reorganize Savings Institutions Division (S.L. 2001-193.).....	431, 640, 647, 653, 675.
H	599	Revise Consumer Finance Act (S.L. 2001-519.).....	495, 1138, 1141, 1153, 1219, 1223, 1239, 1251, 1273, 1286, 1298, 1346, 1409, 1420, 1429.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

BARBERS [G.S. 86A]

S	946	Practice of Barbering (Finance Com).....	305, 897.
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BASNIGHT, SENATOR MARC (President *Pro Tempore*) **1st District**—
Beaufort (part), Bertie (part), Camden,
Chowan, Currituck, **Dare**, Hyde, Pasquotank,
Perquimans, Tyrrell, Washington (part).
Absent of Leave..... 145, 496, 630, 806, 1216.

BASNIGHT, SENATOR MARC (President *Pro Tempore*) (continued)

Adjournment Motion.....40, 48, 51, 53, 55, 57, 60, 65, 70, 77, 80, 83, 85, 96, 100, 120, 128, 130, 140, 152, 161, 167, 184, 194, 199, 208, 224, 235, 240, 256, 283, 348, 374, 389, 403, 430, 448, 481, 506, 515, 526, 530, 545, 553, 561, 574, 587, 595, 603, 610, 616, 624, 629, 642, 652, 659, 667, 673, 697, 710, 720, 727, 746, 763, 771, 778, 781, 785, 793, 801, 805, 822, 828, 834, 842, 846, 852, 859, 871, 879, 885, 895, 900, 913, 919, 932, 936, 945, 949, 962, 968, 1035, 1041, 1045, 1049, 1056, 1080, 1084, 1116, 1121, 1128, 1138, 1248, 1256, 1271, 1281, 1301, 1308, 1356.

Adjournment Motion—Joint Sessions 90, 96, 230.

Certificate of Election..... 6.

Committee Assignments—
 Standing Committees, *Ex-Officio* Member..... 20.

Democratic Caucus Nomination—President *Pro Tempore* 37.

Journal Approval 41, 49, 52, 54, 55, 57, 60, 66, 73, 78, 81, 83, 86, 97, 100, 114, 121, 129, 137, 141, 150, 157, 162, 168, 180, 190, 196, 202, 219, 230, 236, 243, 251, 264, 277, 334, 342, 375, 389, 404, 433, 449, 486, 504, 521, 526, 530, 545, 554, 568, 582, 596, 603, 610, 616, 624, 638, 643, 652, 660, 667, 673, 689, 701, 720, 747, 766, 772, 779, 782, 786, 794, 802, 815, 823, 829, 834, 843, 847, 853, 860, 871, 880, 885, 896, 900, 914, 920, 932, 937, 946, 959, 1031, 1036, 1041, 1046, 1050, 1068, 1075, 1081, 1086, 1117, 1121, 1141, 1152, 1238, 1250, 1261, 1272, 1284, 1293, 1305, 1344, 1361, 1382.

NASCAR Motor Sports Award 897.

Nomination/Election—President *Pro Tempore*..... 8.

Oaths of Office 7, 9.

Presides
 Daily Session 70, 112, 144, 248, 290, 326, 339, 348, 357, 421, 442, 472, 479, 494, 515, 534, 561, 574, 682, 697, 727, 732, 810, 949, 954, 964, 968, 974, 979, 1004, 1008, 1012, 1021, 1024, 1056, 1062, 1071, 1129, 1132, 1148, 1174, 1231, 1282, 1288, 1313, 1374, 1376, 1413.

Recess Motion 90, 224, 650.

Remarks Spread—
 Election, President *Pro Tempore* 9.
 Honoring Senator Forrester..... 670.
 Honoring The Reverend Billy Graham 910.
 Memorializing Richardson and Emily Preyer..... 929.
 Memorializing Joe Grimsley..... 941.
 The Honorable Liston Ramsey 1030.
 S.R. 1105 Honor Americans/2001 Terrorist Attacks 1063.
 Memorializing George Henry White 1372.

Bills and Resolutions—(Senate Bills)
 Primary Sponsor 1105.
 Co-Sponsor..... 770, 854, 1108.

BEAUFORT COUNTY—District 1—Senator Marc Basnight

District 9—Senator Ed N. Warren

S 305 Senate District 9 Local Act-3
(Rules and Operations of the Senate Com) 132.

S 306 Senate District 9 Local Act-4
(Rules and Operations of the Senate Com) 132.

H 108 Counties Collect Delinquent Taxes Before Record Deeds
(S.L. 2001-464.)..... 182, 191, 703,
717, 777, 814, 1212,
1221, 1247, 1251, 1262.

H 306 Remove Sunset on Hyde/Beaufort Trapping
(S.L. 2001-19.)..... 183, 191, 335,
347, 354, 358, 366.

S 196 Senate District 9 Local Act-1
(Rules and Operations of the Senate Com) 102.

S 198 Senate District 9 Local Act-2
(Rules and Operations of the Senate Com) 102.

H 834 Washington and Lexington Occupancy Taxes Increased
(S.L. 2001-365.).....529, 567, 570, 703,
713, 715, 736, 845,
848, 877, 882, 920, 938.

BERGER, SENATOR PHILIP E. “PHIL” **12th District**—

Alleghany, Ashe, Guilford (part),

Rockingham, Stokes, Surry, Watauga.

Absent of Leave..... 688, 778, 885, 920, 946, 1008, 1041,
1046, 1129, 1282, 1313, 1376 (portion).

Adjournment Motion—Second268, 682, 913, 1021.

Certificate of Election..... 6.

Committee Assignments—
Conference..... 1017.

Committee Assignments—
Standing.....42, 43, 45, 46, 51.

Oath of Office..... 7.

Paired Votes—
S 748 Bill Lee Act Changes..... 1273.

Bills and Resolutions—(Senate Bills)
Primary Sponsor.....329, 504, 505, 506, 507, 508, 509, 510,
913, 944, 1083, 1084, 1085.

Co-Sponsor.....2, 4, 5, 23, 26, 31, 95, 104, 120, 121, 123,
138, 144, 159, 160, 228, 283, 285, 300, 301,
389, 390, 398, 402, 450, 451, 470, 521, 522,
523, 537, 541, 542, 549, 639, 650, 651, 680,
688, 708, 713, 764, 768, 770, 802, 837, 854,
859, 933, 939, 962, 1012, 1036, 1044, 1074,
1078, 1086, 1105, 1108.

BERTIE COUNTY—District 1—Senator Marc Basnight

District 2—Senator Frank W. Ballance, Jr.

H 402 Bertie County Hunting
(S.L. 2001-367.).....462, 546, 558, 870,
903, 916, 918, 947, 950.

BERTIE COUNTY (continued)

H	880	Transfer Bertie Septic Systems/Authorize Fees (S.L. 2001-78.).....	379, 505, 535, 542, 552, 555, 570.
S	594	Unifour Local Act (Rules and Operations of the Senate Com)	209.

BICYCLES

S	546	Child Bicycle Safety Act (Judiciary I Com)	194.
H	63	Child Bicycle Safety Act (S.L. 2001-268.).....	256, 672, 703, 715, 731, 740, 747, 783.

BINGHAM, SENATOR STAN..... **38th District—Davidson** (part), Davie,
Forsyth (part), Rowan (part).

Absent of Leave.....	129, 358, 752, 764, 853, 1008, 1174 (portion), 1282, 1284 (portion), 1406 (portion).
Adjournment Motion—Second	128.
Certificate of Election.....	6.
Committee Assignments—	
Conference.....	629, 688, 1049, 1412.
Standing.....	42, 43, 44, 45, 46.
Escorts—	
Mr. Humpy Wheeler and Mr. Doug Stafford, NASCAR Motor Sports.....	897.
Oath of Office.....	7.
Paired Votes—	
S 61 Continuing Budget Authorization.....	966.
S 1005 The Appropriations Act of 2001	1083.
Bills and Resolutions—(Senate Bills)	
Primary Sponsor.....	301, 454, 455, 456, 457, 723, 800, 801, 815.
Co-Sponsor.....	2, 5, 23, 31, 69, 95, 120, 132, 136, 166, 167, 170, 188, 206, 215, 235, 253, 282, 283, 285, 299, 300, 303, 304, 329, 372, 389, 390, 398, 402, 429, 430, 436, 450, 451, 453, 478, 485, 486, 521, 522, 523, 537, 541, 542, 585, 586, 639, 676, 679, 680, 694, 705, 708, 744, 764, 768, 770, 771, 792, 802, 828, 837, 854, 859, 933, 939, 971, 1012, 1029, 1074, 1103,1105, 1108.

BLADEN COUNTY—District 18—Senator R. C. Soles, Jr.
District 30—Senator David F. Weinstein

S	83	Senate District 18 Local Act-1 (Rules and Operations of the Senate Com)	67.
S	79	Senate District 18 Local Act-2 (Rules and Operations of the Senate Com)	67.
S	84	Senate District 18 Local Act-3 (Rules and Operations of the Senate Com)	67.
S	82	Senate District 18 Local Act-4 (Rules and Operations of the Senate Com)	67.

BLADEN COUNTY (continued)

S	81	Senate District 18 Local Act-6 (Rules and Operations of the Senate Com)	67.
S	192	Senate District 30 Local Act-1 (Rules and Operations of the Senate Com)	101.
S	193	Senate District 30 Local Act-2 (Rules and Operations of the Senate Com)	101.
S	194	Senate District 30 Local Act-3 (Rules and Operations of the Senate Com)	101.
H	7	Worthless Check Program Amended (S.L. 2001-61.).....	436, 529, 534, 539, 548.

BLOUNT STREET HISTORIC DISTRICT

S	347	State Property/Blount Street Historic District (H Rules, Calendar, and Operations of the House Com)	138, 433, 458.
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BOARDS

S	682	Increase Veterinary Board Membership (Rules and Operations of the Senate Com)	221.
S	893	Landscape/Irrigation Contractors (Commerce Com).....	299.
S	1072	Mental Health Practitioner Act (Health Care Com).....	322.
S	276	Technical Corrections Act-AB (Judiciary I Com)	125.

BONDS & NOTES

S	236	Housing Finance Agency Bonds (S.L. 2001-185.).....	110, 359, 372, 624, 663.
S	247	Reallocate Clean Water Bonds/Defer Bond Issue (S.L. 2001-416.).....	113, 666, 751, 769, 776, 1025, 1034, 1036, 1086.
S	123	Special Obligation Bonds for Water/Sewer (S.L. 2001-238.).....	74, 80, 198, 207, 233, 654, 665, 671, 674, 723.
S	701	Toll Road and Bridge Authority Created (Transportation Com).....	223.

BRUNSWICK COUNTY—District 18—Senator R. C. Soles, Jr.

H	118	Belville Deannexation (S.L. 2001-401.).....	931, 958, 960, 976, 1005, 1012, 1021.
H	697	Brunswick Fire Fees (S.L. 2001-74.).....	361, 535, 540, 551, 555, 570.
H	865	Calabash Annexation/Holden Beach (S.L. 2001-478.).....	1249, 1280, 1285, 1297, 1345, 1363.
H	77	Certain Cities and Towns Annexations (S.L. 2001-37.).....	220, 252, 266, 280, 281, 294, 330, 337, 346, 350, 494, 497.
H	868	Navassa Annexation/Amend Charter (S.L. 2001-325.).....	825, 845, 850, 857, 860, 873.

BRUNSWICK COUNTY (continued)

S	603	Navassa/Cary Changes/Montgomery County Airport Leases (S.L. 2001-485.).....	210, 238, 247, 1376, 1382, 1418.
S	83	Senate District 18 Local Act-1 (Rules and Operations of the Senate Com)	67.
S	79	Senate District 18 Local Act-2 (Rules and Operations of the Senate Com)	67.
S	84	Senate District 18 Local Act-3 (Rules and Operations of the Senate Com)	67.
S	82	Senate District 18 Local Act-4 (Rules and Operations of the Senate Com)	67.
S	81	Senate District 18 Local Act-6 (Rules and Operations of the Senate Com)	67.
H	7	Worthless Check Program Amended (S.L. 2001-61.).....	436, 529, 534, 539, 548.

BUILDING CODES

S	633	Building Code Pilot Program (S.L. 2001-372.).....	214, 434, 456, 458, 487, 889, 899, 902, 951.
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BUNCOMBE COUNTY—District 28—Senator Charles Carter

Senator Steve Metcalf

District 42—Senator Robert C. Carpenter

S	673	Senate District 28 Local Act-8 (Rules and Operations of the Senate Com)	218.
S	578	Senate District 42 Local Act-3 (Rules and Operations of the Senate Com)	201.
S	559	Asheville Force Account Limit (S.L. 2001-274.).....	199, 402, 450, 476, 780, 784, 786, 795.
S	562	Buncombe County Local Act (State and Local Government Com).....	199, 402.
S	948	Nonbetterment Relocation Costs (Appropriations/Base Budget Com).....	306, 468.
H	105	Product Development Fund for Buncombe County (S.L. 2001-162.).....	265, 594, 598, 606, 631, 639.
S	376	Senate District 28 Local Act-1 (Rules and Operations of the Senate Com)	148.
S	375	Senate District 28 Local Act-2 (Rules and Operations of the Senate Com)	147.
S	597	Senate District 28 Local Act-3 (Rules and Operations of the Senate Com)	210.
S	377	Senate District 28 Local Act-4 (Rules and Operations of the Senate Com)	148.
S	598	Senate District 28 Local Act-5 (Rules and Operations of the Senate Com)	210.
S	674	Senate District 28 Local Act-6 (Rules and Operations of the Senate Com)	218.
S	672	Senate District 28 Local Act-7 (Rules and Operations of the Senate Com)	218.
S	576	Senate District 42 Local Act-1 (Rules and Operations of the Senate Com)	201.

BUNCOMBE COUNTY (continued)

S	577	Senate District 42 Local Act-2 (Rules and Operations of the Senate Com)	201.
S	575	Senate District 42 Local Act-4 (Rules and Operations of the Senate Com)	201.

BURKE COUNTY—District 27—Senator John A. Garwood
 Senator Kenneth R. Moore
 District 28—Senator Charles Carter
 Senator Steve Metcalf

S	673	Senate District 28 Local Act-8 (Rules and Operations of the Senate Com)	218.
S	561	Burke County Local Act (Rules and Operations of the Senate Com)	199.
S	653	Foothills and Mitchell County Local Acts (S.L. 2001-306.).....	216, 385, 398, 411, 780, 782, 811, 839, 844, 848, 854.
S	563	Morganton Local Act (Rules and Operations of the Senate Com)	199.
S	149	Senate District 27 Local Act-1 (Rules and Operations of the Senate Com)	84.
S	154	Senate District 27 Local Act-1 (Rules and Operations of the Senate Com)	87.
S	150	Senate District 27 Local Act-2 (Rules and Operations of the Senate Com)	84.
S	155	Senate District 27 Local Act-2 (Rules and Operations of the Senate Com)	87.
S	151	Senate District 27 Local Act-3 (Rules and Operations of the Senate Com)	84.
S	156	Senate District 27 Local Act-3 (Rules and Operations of the Senate Com)	87.
S	376	Senate District 28 Local Act-1 (Rules and Operations of the Senate Com)	148.
S	375	Senate District 28 Local Act-2 (Rules and Operations of the Senate Com)	147.
S	597	Senate District 28 Local Act-3 (Rules and Operations of the Senate Com)	210.
S	377	Senate District 28 Local Act-4 (Rules and Operations of the Senate Com)	148.
S	598	Senate District 28 Local Act-5 (Rules and Operations of the Senate Com)	210.
S	674	Senate District 28 Local Act-6 (Rules and Operations of the Senate Com)	218.
S	672	Senate District 28 Local Act-7 (Rules and Operations of the Senate Com)	218.

BUSINESS CORPORATION ACT [G.S. 55]

S	842	Business Entity Changes (S.L. 2001-387.).....	284, 603, 737, 749, 931, 935, 943, 946, 969.
S	337	Consolidate Business Provisions (Judiciary I Com)	136.

BUSINESS CORPORATION ACT [G.S. 55] (continued)

H	385	Consolidate Business Provisions (S.L. 2001-358.).....	345, 767, 788, 797, 881, 922.
S	169	Corporate Asset Transfers (Finance Com)	88, 121.
H	168	Corporate Asset Transfers/Relief for Troops (S.L. 2001-508.).....	130, 516, 973, 977, 1406, 1417, 1428.
S	860	Interstate Trust Business (S.L. 2001-263.).....	286, 374, 512, 536, 543, 721, 783.
H	1073	Register of Deeds/Business Reinstatement (S.L. 2001-390.).....	699, 884, 890, 912, 917, 950, 970.
S	795	Repeal Chapter 78B/Amend Securities Act (S.L. 2001-201.).....	270, 406, 443, 680, 684, 686, 689.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
H	1070	Trustees and Estate Law Changes (S.L. 2001-413.).....	889, 956, 1047, 1049, 1057.

CABARRUS COUNTY—District 22—Senator Fletcher L. Hartsell, Jr.

S	225	Cabarrus County Local Act-1 (Rules and Operations of the Senate Com)	109.
S	224	Cabarrus County Local Act-2 (Rules and Operations of the Senate Com)	109.
S	223	Cabarrus County Local Act-3 (Rules and Operations of the Senate Com)	109.
S	614	Cary, Charlotte, Concord, Monroe, and Weddington Roadway Expenditures (S.L. 2001-245.).....	211, 238, 247, 705, 717, 721, 728.
H	108	Counties Collect Delinquent Taxes Before Record Deeds (S.L. 2001-464.).....	182, 191, 703, 717, 777, 814, 1212, 1221, 1247, 1251, 1262.
S	255	Midland (S.L. 2001-366.).....	116, 146, 151, 889, 913, 916, 930, 933, 938.
H	290	Midland Charter Amendments (S.L. 2001-30.).....	345, 378, 398, 404, 405.
S	238	Midland Local Act-2 (Rules and Operations of the Senate Com)	110.
H	250	Midland/Linden Annexation/Validation (S.L. 2001-472.).....	1263, 1280, 1285, 1297, 1301, 1305.
S	243	Red Light Cameras/Certain Municipalities (S.L. 2001-286.).....	113, 151, 160, 167, 193, 197, 198, 692, 700, 709, 742, 752, 769, 772, 808.

CABARRUS COUNTY (continued)

S	222	Senate District 22 Local Act (Rules and Operations of the Senate Com)	109.
S	336	Various Counties Ambulance Services (S.L. 2001-106.).....	136, 163, 177, 180, 578, 585, 589, 605.
S	92	Various Local Occupancy Taxes (S.L. 2001-439.).....	68, 359, 370, 382, 397, 411, 412, 438, 456, 874, 878, 918, 1089, 1118, 1127, 1152, 1218.

CALDWELL COUNTY—District 27—Senator John A. Garwood
Senator Kenneth R. Moore

S	556	911 Funds Use (Finance Com)	195, 298.
H	794	Caldwell/Discharge of Firearms (S.L. 2001-67.).....	292, 532, 542, 547, 556.
S	653	Foothills and Mitchell County Local Acts (S.L. 2001-306.).....	216, 385, 398, 411, 780, 782, 811, 839, 844, 848, 854.
S	149	Senate District 27 Local Act-1 (Rules and Operations of the Senate Com)	84.
S	154	Senate District 27 Local Act-1 (Rules and Operations of the Senate Com)	87.
S	150	Senate District 27 Local Act-2 (Rules and Operations of the Senate Com)	84.
S	155	Senate District 27 Local Act-2 (Rules and Operations of the Senate Com)	87.
S	151	Senate District 27 Local Act-3 (Rules and Operations of the Senate Com)	84.
S	156	Senate District 27 Local Act-3 (Rules and Operations of the Senate Com)	87.
S	594	Unifour Local Act (Rules and Operations of the Senate Com)	209.

CAMDEN COUNTY—District 1—Senator Marc Basnight

H	699	Camden School Board Election (S.L. 2001-24.).....	257, 348, 355, 358, 367.
H	108	Counties Collect Delinquent Taxes Before Record Deeds (S.L. 2001-464.).....	182, 191, 703, 717, 777, 814, 1212, 1221, 1247, 1251, 1262.
H	880	Transfer Bertie Septic Systems/Authorize Fees (S.L. 2001-78.).....	379, 505, 535, 542, 552, 555, 570.

CAPITAL PUNISHMENT

S	172	Death Penalty Moratorium (Judiciary II Com)	89.
S	932	DNA Tests/Convicted Murderers (Judiciary I Com)	303.

CAPITAL PUNISHMENT (continued)

S 173 No Death Penalty/Mentally Retarded
(S.L. 2001-346.).....89, 392, 412, 816,
827, 840, 843, 888.

S 647 Prosecutorial Discretion/Capital Sentencing
(Judiciary I Com) 215, 464, 479.

S 925 Require DNA Test/First Degree Murder Case
(Judiciary I Com) 303.

CARPENTER, SENATOR ROBERT C...... **42nd District**—Buncombe (part),
Cherokee, Clay, Graham, Haywood (part), Henderson (part),
Jackson (part), **Macon** (part), Polk, Transylvania (part).

Absent of Leave..... 105, 348 (portion), 559 (portion),
969, 974, 1008, 1282, 1383 (portion).

Adjournment Motion—Second 697.

Certificate of Election..... 6.

Committee Assignments—
Conference..... 710.
Standing.....42, 43, 44, 45, 46.

Oath of Office..... 7.

Paired Votes—
S 1005 The Appropriations Act of 2001 1084.

Prayer 852.

Remarks Spread—
Memorializing Herman “Bull” West 549.
Honoring The Reverend Billy Graham 905.

Bills and Resolutions—(Senate Bills)
Primary Sponsor.....18, 107, 123, 132, 340, 341, 371, 575, 576,
577, 578, 599, 766, 770, 882.

Bills and Resolutions—(Senate Bills) (continued)

Co-Sponsor2, 4, 5, 12, 13, 22, 23, 31, 72, 90, 94, 96, 118,
120, 121, 136, 159, 160, 161, 188, 197, 199,
206, 252, 261, 282, 283, 285, 300, 301, 303,
304, 329, 330, 378, 389, 390, 391, 398, 402,
450, 451, 470, 478, 499, 521, 522, 523, 537,
541, 542, 543, 586, 639, 679, 680, 693, 701,
705, 708, 764, 771, 781, 788, 801, 802, 803,
804, 805, 806, 821, 823, 834, 836, 837, 854,
858, 859, 861, 871, 872, 890, 893, 913, 933,
936, 938, 939, 962, 977, 978, 979, 980, 981,
1008, 1012, 1014, 1019, 1054, 1074, 1078,
1105, 1108.

CARRINGTON, SENATOR JOHN H......**36th District**—Wake (part).

Absent of Leave..... 123, 129, 342, 348, 492 (portion), 588, 596, 603,
650 (portion), 752, 772, 778, 946, 979 (portion),
1004, 1008, 1031, 1056, 1080, 1129, 1167 (portion), 1250,
1261, 1272, 1282, 1288 (portion), 1304, 1369 (portion), 1382.

Adjournment Motion 1210.

Adjournment Motion—Second 879.

Certificate of Election..... 6.

CARRINGTON, SENATOR JOHN H. (continued)

Committee Assignments—	
Conference.....	879, 1261, 1292.
Standing.....	44, 45, 46.
Escorts—	
McDonald’s All-American High School Basketball Team.....	231.
Saint Augustine’s College Track Team.....	700.
Oath of Office.....	7.
Paired Votes—	
S 798 Senate Redistricting-1C.....	1071.
S 1005 The Appropriations Act of 2001.....	1083.
Bills and Resolutions—(Senate Bills)	
Primary Sponsor.....	729.
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Madison, McDowell, Yancey.

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District 4—Senator Patrick J. Ballantine

H	856	Allow Separate-/Single-Prime Contracts/Carteret (S.L. 2001-69.).....	432, 532, 542, 547, 556.
H	616	Atlantic Beach Annexation (S.L. 2001-137.).....	533, 594, 599, 607, 611, 618.
H	698	Carteret Occupancy Tax Changes (S.L. 2001-381.).....	843, 918, 930, 934, 950, 955.
H	172	Cedar Point No-Wake Zone (S.L. 2001-65.).....	430, 532, 542, 547, 555.
H	19	Certain Counties and Towns Condemnations (S.L. 2001-36.).....	238, 345, 351, 363, 371, 382, 397, 494, 497.
H	712	Morehead City Annexations (S.L. 2001-75.).....	379, 535, 541, 551, 555, 570.
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S	667	Serve Criminal Process/Carteret County Government Complex (S.L. 2001-60.).....	218, 345, 354, 539, 548.
S	336	Various Counties Ambulance Services (S.L. 2001-106.).....	136, 163, 177, 180, 578, 585, 589, 605.

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H	1448	Make Meals Tax Penalties Uniform (S.L. 2001-264.).....	606, 702, 717, 724, 728, 783.
H	307	Minimum Housing Standards (S.L. 2001-283.).....	436, 776, 780, 782, 808.
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S	408	Municipal ETJ Roadway Improvements (S.L. 2001-261.).....	155, 283, 296, 704, 718, 719, 721, 783.
S	603	Navassa/Cary Changes/Montgomery County Airport Leases (S.L. 2001-485.).....	210, 238, 247, 1376, 1382, 1418.
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H	1099	Substitute Letter of Credit for Surety Bond (Judiciary I Com)	395.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
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H	665	Extend Limitations for Some Intentional Torts (S.L. 2001-175.).....	337, 584, 592, 597, 608, 611, 662.
H	218	Injury to Commodities or Production Systems (S.L. 2001-290.).....	499, 506, 730, 739, 786, 830.
S	681	Judicial and Execution Sales/Revise Procedure (S.L. 2001-271.).....	221, 351, 361, 372, 705, 718, 721, 784.

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H	1099	Substitute Letter of Credit for Surety Bond (Judiciary I Com).....	395.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
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S	881	Workers' Comp Awards Filed as Judgments (S.L. 2001-477.).....	289, 352, 364, 1259, 1267, 1270, 1272, 1323.

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S	578	Senate District 42 Local Act-3 (Rules and Operations of the Senate Com).....	201.
H	71	Clay County Ambulance Service Lien (Finance Com).....	128.
S	576	Senate District 42 Local Act-1 (Rules and Operations of the Senate Com).....	201.
S	577	Senate District 42 Local Act-2 (Rules and Operations of the Senate Com).....	201.
S	575	Senate District 42 Local Act-4 (Rules and Operations of the Senate Com).....	201.

CLEVELAND COUNTY—District 25—Senator David W. Hoyle
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S	112	Senate District 37 Local Act-1 (Rules and Operations of the Senate Com).....	73.
S	111	Senate District 37 Local Act-2 (Rules and Operations of the Senate Com).....	73.
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S	92	Various Local Occupancy Taxes (S.L. 2001-439.).....	68, 359, 370, 382, 397, 411, 412, 438, 456, 874, 878, 918, 1089, 1118, 1127, 1152, 1218.

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H	1268	Coastal Area Management Act/Modify Estuarine Buffer Exemption/Grants (S.L. 2001-494.).....	466, 1287, 1299, 1322, 1426.
H	1006	Environmental Report Consolidation (S.L. 2001-452.).....	483, 1130, 1136, 1226, 1235.
S	202	Fishery Management Plan Revision Amended (S.L. 2001-213.).....	106, 141, 149, 634, 641, 643, 690.
S	919	Marine Fisheries Laws Amended (Agriculture/Environment/Natural Resources Com).....	302.
S	30	Outlaw Taking of Sea Oats (S.L. 2001-93.).....	58, 163, 178, 538, 577.

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COLUMBUS COUNTY—District 18—Senator R. C. Soles, Jr.

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H	1318	Farm Machinery Franchise Law (S.L. 2001-343.).....	465, 795, 804, 835, 888.
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S	452	Extend Tax Policy Commission (Rules and Operations of the Senate Com).....	165.
S	202	Fishery Management Plan Revision Amended (S.L. 2001-213.).....	106, 141, 149, 634, 641, 643, 690.
S	179	Guardianship Study (Rules and Operations of the Senate Com).....	90.
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S	285	Independent Redistricting Commission (Redistricting Com).....	126.
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S 205 Marine Fisheries Commission Terms Staggered
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S 521 Medical Examiner Study
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S 98 Meeting the Needs of Students With Disabilities
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S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.

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S	390	Education on Physician-Assisted Suicide (H Judiciary I Com)	153, 447, 458.
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S	1014	Strengthen Littering Laws (S.L. 2001-512.).....	314, 334, 359, 381, 422, 445, 475, 874, 882, 890, 899, 900, 915, 1323, 1348, 1353, 1362, 1429.

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H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
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S	819	Certain Probation Violations to Court of Appeals (H Judiciary I Com)	273, 371, 386.
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H	1117	District Attorney Discretion (S.L. 2001-81.).....	484, 516, 524, 527, 576.
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S	392	Matthew Shepard/Increase Hate Crime Penalty (Appropriations/Base Budget Com).....	153, 396.
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S	745	Post-Release Supervision Changes/Sentencing Commission (Appropriations/Base Budget Com).....	259, 368.
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S	957	Real Property as Bond Collateral (Judiciary II Com).....	307.
S	765	Redefine Murder (Judiciary I Com).....	262.
H	1247	Repeat Child Molestation/Aggravating Factor (Judiciary II Com).....	454.
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S	667	Serve Criminal Process/Carteret County Government Complex (S.L. 2001-60.).....	218, 345, 354, 539, 548.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
H	689	Tennessee Valley Authority Officers' Authority (S.L. 2001-257.).....	245, 556, 566, 580, 668, 678, 701, 765.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.

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S 351 Cumberland County Local Act-2
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S 360 Cumberland County Local Act-3
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S 117 Cumberland Local Sales Tax
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S 348 Cumberland Occupancy Tax Increase
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H 522 Cumberland Transportation Authority
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S 344 Fayetteville Local Act-1
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S 345 Fayetteville Local Act-2
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1297, 1301, 1305.

S 350 Senate District 24 Local Act-1
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S 349 Senate District 24 Local Act-2
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S 192 Senate District 30 Local Act-1
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S 193 Senate District 30 Local Act-2
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S 194 Senate District 30 Local Act-3
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CUNNINGHAM, SENATOR JAMES CALVIN (CAL) **23rd District**—

Davidson (part), Iredell (part), Rowan (part).

Absent of Leave..... 375, 389, 962, 1008, 1046, 1282, 1361 (portion).

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CURRITUCK COUNTY—District 1—Senator Marc Basnight

H	108	Counties Collect Delinquent Taxes Before Record Deeds (S.L. 2001-464.).....	182, 191, 703, 717, 777, 814, 1212, 1221, 1247, 1251, 1262.
H	768	Currituck Beach Traffic Ordinances (S.L. 2001-33.).....	346, 378, 398, 404, 405.
H	880	Transfer Bertie Septic Systems/Authorize Fees (S.L. 2001-78.).....	379, 505, 535, 542, 552, 555, 570.

DALE EARNHARDT

H	270	Honoring Memory of Dale Earnhardt (Res. 23.).....	789, 794.
S	301	Honoring Life and Memory of Dale Earnhardt (Rules and Operations of the Senate Com)	131.

DALTON, SENATOR WALTER H. **37th District—Cleveland (part), Rutherford.**

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DANNELLY, SENATOR CHARLIE SMITH **33rd District—Mecklenburg** (part).

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DARE COUNTY—District 1—Senator Marc Basnight

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H	726	Dare County Ocean Regulations (S.L. 2001-52.).....	462, 512, 518, 522, 528.
S	644	Dare Utility Undergrounding Amendments (Rules and Operations of the Senate Com)	215.
H	882	Duck Incorporated/Local Distributions (S.L. 2001-394.).....	380, 708, 716, 962, 964, 972, 1004.
H	885	Nags Head Property (S.L. 2001-35.).....	350, 378, 398, 404, 405.
S	92	Various Local Occupancy Taxes (S.L. 2001-439.).....	68, 359, 370, 382, 397, 411, 412, 438, 456, 874, 878, 918, 1089, 1118, 1127, 1152, 1218.

DAVIDSON COUNTY—District 19—Senator Robert G. Shaw
 District 23—Senator Cal Cunningham
 District 38—Senator Stan Bingham

S	453	Lexington/Winston-Salem Vegetation Ordinance (S.L. 2001-107.).....	165, 244, 254, 578, 585, 589, 605.
H	556	Raise Lexington Occupancy Tax (Finance Com)	256.
S	445	Senate District 23 Local Act (Rules and Operations of the Senate Com)	164.
S	444	Senate District 23 Local Act-2 (Rules and Operations of the Senate Com)	164.
S	443	Senate District 23 Local Act-3 (Rules and Operations of the Senate Com)	164.
S	442	Senate District 23 Local Act-4 (Rules and Operations of the Senate Com)	164.
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S	457	Senate District 38 Local Act-2 (Rules and Operations of the Senate Com)	166.
S	456	Senate District 38 Local Act-3 (Rules and Operations of the Senate Com)	165.
S	454	Senate District 38 Local Act-4 (Rules and Operations of the Senate Com)	165.
H	602	Trinity/Thomasville Corporate Limits (S.L. 2001-25.).....	257, 344, 351, 362, 366, 375.
H	834	Washington and Lexington Occupancy Taxes Increased (S.L. 2001-365.).....	529, 567, 570, 703, 713, 715, 736, 845, 848, 877, 882, 920, 938.

DAVIE COUNTY—District 38—Senator Stan Bingham

H	77	Certain Cities and Towns Annexations (S.L. 2001-37.).....	220, 252, 266, 280, 281, 294, 330, 337, 346, 350, 494, 497.
S	455	Senate District 38 Local Act-1 (Rules and Operations of the Senate Com)	165.

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S	454	Senate District 38 Local Act-4 (Rules and Operations of the Senate Com)	165.

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S	113	Cabarrus Work Over Welfare (S.L. 2001-354.)	73, 204, 234, 849, 857, 869, 872, 921.
S	146	Exempt Child Care Property (Finance Com)	82.
S	751	No Drugs at Child Care Centers (S.L. 2001-332.)	260, 356, 435, 439, 460, 829, 887.
S	513	Repeal Child Care Fraud Prevention Incentive (Judiciary I Com)	185.

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H	338	Technical Corrections Act (S.L. 2001-487.)	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

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S	195	Criminal Record Checks For Nurses (S.L. 2001-371.)	101, 163, 178, 880, 891, 898, 901, 951.
S	164	Innocence Protection Act (Judiciary II Com)	88, 100.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.)	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
S	147	Traffic Law Enforcement Statistics (Appropriations/Base Budget Com) (Inc. S.L. 2001-424.)	82, 376.

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H	1246	Board of Governors Study Admissions/Youths in Institutions of Higher Education (S.L. 2001-312.)	465, 646, 648, 655, 656, 669, 679, 681, 711, 720, 798, 804, 812, 815, 854.
H	1430	Budget Fee Provisions (Finance Com)	811.

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S	897	Labor Commissioner Fee Authority (Finance Com)	299.
H	948	Redefine "Special ABC Area" (S.L. 2001-515.).....	501, 508, 1120, 1139, 1148, 1254, 1260, 1294, 1300, 1307, 1362, 1429.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

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Presides.....	111, 179, 365, 492, 1038.

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H	1195	Annual Absentee Ballots/Forsyth Superior Court Judge (S.L. 2001-507.).....	503, 509, 1138, 1149, 1232, 1248, 1303, 1307, 1353, 1362, 1428.
H	387	Developmentally Disabled Group Homes Regulation (S.L. 2001-209.).....	328, 625, 636, 639, 690.
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S	364	Local Option Homestead Exemption (Judiciary I Com)	143.
S	90	Local Option Homestead Relief (Finance Com)	68, 72, 77, 83, 364.
S	766	Medical Services for the Disabled/Study (Rules and Operations of the Senate Com) (Inc. S.L. 2001-491.).....	262, 464, 480, 499, 514.
S	98	Meeting the Needs of Students With Disabilities (H Rules, Calendar, and Operations of the House Com) (Inc. S.L. 2001-491.).....	69, 181, 193, 198.
S	866	Persons With Disabilities Changes (Conference Com).....	287, 448, 469, 1010, 1018, 1019, 1029, 1031.
S	926	Property Tax Deferral for Seniors (Finance Com)	303.
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S	721	Occupational Licensing Fees & Per Diem Changes	1355.
S	68	Criminal Justice Standards Commission Change	1412.

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H	377	Department of Social Services Changes 2 (S.L. 2001-237.)	451, 640, 644, 655, 656, 683, 723.
S	296	Department Social Services Changes 2 (Children & Human Resources Com)	131.
H	1084	Equitable Distribution Clarification (S.L. 2001-364.)	395, 531, 544, 553, 557, 838, 845, 872, 922.
S	1000	Simplify/Facilitate Child Support (Appropriations/Base Budget Com)	313, 417, 447, 460.

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Doctors:

Adam, Dr. Amer, Cary.....	54.
Ahdieh, Dr. Masoud, Hamlet.....	896.
Atkinson, Dr. Samuel Marvin, Jr., Greenville	847.
Bicket, Dr. William John, Matthews.....	375.
Blount, Dr. John Myers III, Salisbury.....	202.
Blumrick, Dr. Richard, Durham	596.
Bowman, Dr. Geoffrey K., Statesville	871.
Bowman, Dr. James Scarboro III, Raleigh	537.
Boyette, Dr. Charles Otis, Belhaven	674.
Bray, Dr. Emily Louise, Greenville	404.
Brennan, Dr. Michael West, Burlington	57.
Britt, Dr. Samuel Emerson II, Lumberton.....	554.
Brown, Dr. Cynthia Jane Hecker, Asheville	530.
Bryan, Dr. James Alexander II, Chapel Hill	49.
Buckalew, Dr. Vardaman Moore, Winston-Salem.....	291.
Byerly, Dr. Wesley Grimes, Jr., Hickory	196.
Bylciw, Dr. Stanley Robert, Smithfield	689.
Byrum, Dr. Donald K., Jr., Chapel Hill	574.
Callaway, Dr. Clifford Kay, Charlotte	853.
Campbell, Dr. Edward Stephen, Mooresville	123.
Cefalo, Dr. Robert Charles, Chapel Hill	86.
Clancy, Dr. Thomas Vincent, Wilmington	667.
Clem, Dr. Kathleen Janette, Durham	349.
Davis, Dr. Jerome Irvin, Greensboro	823.
Devasthali, Dr. Shirish Dhondu, Fayetteville	843.
Devine, Dr. Leibert Earl, Edenton	83.
Ebert, Dr. John Peter, Charlotte	334.
Engel, Dr. Jeffrey Phillip, Greenville.....	505.
Fair, Dr. Jeffrey Haskel, Chapel Hill	78.
Farabow, Dr. William Sidney, High Point.....	162.
Felix, Dr. Ana Cristina Goncalves, Charlotte	630.
Ford, Dr. Marsha Dean, Charlotte.....	277.

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Friedrichs, Dr. Robert Richard, Fayetteville	157.
Gaither, Dr. Anthony Clark, Goldsboro.....	643.
Gant, Dr. James Curtis, Jacksonville	701.
Garrett, Dr. Leland Earl, Jr., Raleigh	251.
Goldstein, Dr. Brian Paul, Raleigh	794.
Guffey, Dr. Neal Hamilton, Jr., Kernersville	728.
Hall, Dr. Warner Leander, Jr., Raleigh	73.
Hampton, Dr. Cynthia Anne, Henderson	358.
Harper, Dr. Gerald B., Charlotte.....	230.
Harr, Dr. Charles Dulaney, Charlotte.....	735.
Hedrick, Dr. William Weston, Raleigh.....	326.
Hughes, Dr. Lynn Allen, Concord.....	121.
Izurietta, Dr. Henry, Fayetteville	100.
Jablonski, Dr. Donald Edward, Horseshoe	66.
Jernigan, Dr. Peter, Charlotte.....	582.
Kahai, Dr. Jutga, Oak Island.....	115.
Kanof, Dr. Elizabeth Pascher, Raleigh.....	342.
Kirby, Dr. Cynthia Green, Whiteville.....	433.
Klein, Dr. George, Greenville	937.
Lancaster, Dr. Michael Steward, Raleigh	168.
Landau, Dr. Steven Edward, Kenly	496.
Liles, Dr. Richard Vernon, Jr., Albemarle	521.
Lindsay, Dr. Maryanne W, Mount Airy.....	60.
Madden, Dr. Cynthia, Raleigh	806.
Majors, Dr. Robert Powell, Jr., Raleigh.....	112.
Mangone, Dr. Peter George, Asheville	264.
Mann, Dr. Charles Hayes, Cary	486.
Markham, Dr. Robert Wade, High Point	782.
McCulloch, Dr. Harlan Arthur, Charlotte	389.
McMullen, Dr. Kevin Patrick, Winston-Salem.....	710.
McNiel, Dr. Jesse Neal, Burlington	510.
Meymandi, Dr. Assac, Raleigh.....	366.
Miller, Dr. Isaac Henry, Roanoke Rapids	880.
Montgomery, Dr. Stephen Paul, Raleigh	129.
Morrell, Dr. Robert Xavier, Jr., Cary.....	885.
Newell, Dr. Howard Wilson, Jr., Goldsboro.....	786.
Newman, Dr. Alexander N., Cary.....	603.
Nisbett, Dr. Donald Alwin, Laurinburg	52.
Oaks, Dr. Timothy Eugene, Winston-Salem.....	616.
Ostrow, Dr. Barry Seymour, Raleigh.....	624.
Paine, Dr. Karen Nicholson, Raleigh.....	545.
Palmer, Dr. Robert Marion, Tryon.....	779.
Parada, Dr. Malcolm Perry, Salisbury	764.
Parikh, Dr. Jay Ramanlal, Dunn	150.
Parker, Dr. Robert Lamar, Jr., Winston-Salem	802.
Patton, Dr. Denzil Dean, Greenville	243.
Pearson, Dr. James David, Charlotte	236.
Podgomy, Dr. George, Winston-Salem.....	190.
Pories, Dr. Walter Julius, Greenville	810.
Price, Dr. Billy Lee, Jr., Conover.....	137.
Reeder, Dr. Timothy John, Greenville.....	81.

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Rikhye, Dr. Rakesh Kumar, Rolesville	720.
Robinson, Dr. Wesley Bradford, Charlotte	638.
Roettger, Dr. Richard Harold, Charlotte	71.
Roy, Dr. Raymond Clyde, Winston-Salem	145.
Runyan, Dr. Desmond Kimo, Chapel Hill	180.
Rybnicek, Dr. Karel Francis, Shelby	449.
Salyers, Dr. Martha Jane, Asheville	932.
Sathiraju, Dr. Sarveshwara Rao, Rutherford College	105.
Sayson, Dr. Samuel Calderon, Charlotte	516.
Shealy, Dr. Ronald Bernard, Winston-Salem	697.
Shilt, Dr. Jeffrey Scott, Winston-Salem	220.
Simpson, Dr. Ross Joseph, Jr., Chapel Hill	610.
Sugg, Dr. William Caswell, Jr., Charlotte	860.
Swann, Dr. Edwin, Raleigh	660.
Tirapattur, Dr. Prakash R., Plymouth	141.
Tomlin, Dr. Edwin Merrill, Harrisburg	683.
Treadwell, Dr. Edward Louis, Greenville	747.
Turner, Dr. Robert Coy, Greenville	653.
Ward, Dr. D. E., Jr., Lumberton	588.
Ward, Dr. Walter Averel, Jr., Winston-Salem	97.
Williams, Dr. Martin Keith, Goldsboro	834.
Williford, Dr. John Kenneth, Jr., Charlotte	568.
Willson, Dr. Charles Frederick, Greenville	55.
Wooten, Dr. Wayne Brown, Salisbury	766.
Wurster, Dr. Samuel, Cary	526.

Nurses:

Adcock, Gale, Cary	49.
Andersen, Leonora, Newton	530.
Barkley, Kim, Archdale	97.
Beasley, Cherry, Lumberton	588.
Bernhardt-Tindal, Kim, Kings Mountain	202.
Best, Sandra, Roxboro	735.
Brendle, Melba, High Point	168.
Brown, Linda, Chapel Hill	57, 537, 847.
Campbell, Jane, Chapel Hill	81, 105.
Caudill, Teresa, Troy	71.
Chapman, Cathy, Burlington	121.
Clark, Sarah, High Point	653.
Cole, Lori, Charlotte	802.
Corbett, Robin, Macclesfield	375.
Davis, Debra, Salisbury	766.
Eatman, Carol, Rocky Mount	100.
Ellender, B. J., Kernersville	66.
Evans, Jeannie, Whiteville	236.
Faulk, Aquinetta, High Point	674.
Faulkner, Penny, Raleigh	41, 190, 616, 885.
Ferree, Bette, High Point	667.
Fitzgerald, Jane, Archdale	137, 582.
Ford, Gayle, Washington	596.
Grau, Bill, Greenville	145.

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Hartsell, Mary, Greensboro.....	157.
Hohenhaus, Sue, Durham	60, 404.
Jenifer, Katheryn, Fayetteville.....	86.
Kennedy, Debbie, Archdale.....	433.
Kirkpatrick, Ed, Kinston	52, 83, 334, 449.
Korn, Denise, Jamestown	710.
Ledford, Sylvia, Valdese	728.
Lee, Dana, Greensboro	526.
Lee, Joan A., Apex	497.
Lemons, Carol, Troy.....	115.
Linhardt, Mary Alice, Cary	969, 1004, 1036, 1056, 1117, 1141, 1152, 1217.
Miller, Kaye, Statesville	277, 1031.
Miller, Lacy, Selma	575.
Miller, Sue Ellen, Statesville	264.
Mooney, Donna, Raleigh	643.
Moore, Frank, Raleigh.....	55.
Mullinix, Margaret, Pittsboro	683.
Newton, Elizabeth, Winston-Salem	196, 366.
Northen, Sheila, Chapel Hill.....	638.
Pearce, Sharon, Lexington,	389.
Pityk, Denise, Selma.....	689.
Ritch, Kathy, Jamestown	54.
Ruppert, Nancy, Star.....	701.
Shepherd, Donna, Charlotte.....	624.
Sherrod, Dennis, Sims	73, 853.
Slepin, Jennifer, Raleigh.....	220, 326, 554.
Smith, Linda, Fuquay-Varina	230.
Steele, Deborah, Walnut Cove.....	747.
Taylor, Julie, Wilmington.....	516.
Taylor, Michelle, Laurinburg.....	562.
Todd, Susan, Durham	779.
Toombs, Celeste, Durham	545, 660.
Vogler, Patty, Winston-Salem	124.
Waddell-Schultz, Gwen, Chapel Hill.....	181.
Wilder, Sandra, Lewisville	78.
Willis, Karen, Gastonia.....	880.
Wright, Kathy, Carthage.....	141, 342.

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S	711	Testimonial Privilege for Violence Victims (Judiciary I Com)	241.
S	6	Transfer Domestic Violence Commission (Judiciary II Com).....	47, 49.

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S	1057	Amend Domestic Violence Laws (Finance Com)	320, 443, 955.
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S	346	Amend Stalking/Domestic Violence Laws (S.L. 2001-518.).....	138, 416, 463, 477, 1408, 1412, 1417, 1429.
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S	1041	DMV-Study Drivers License Technology for IDs (Rules and Operations of the Senate Com)	318.
S	961	Driving While License Revoked Flexibility (H Judiciary I Com)	308, 436, 472.
H	78	Grandparents as Supervising Drivers (S.L. 2001-194.).....	177, 619, 627, 630, 683.
S	833	Possession/Manufacture of Fraudulent IDs (S.L. 2001-461.).....	275, 418, 445, 1229, 1231, 1246, 1251, 1258.
S	278	Theft of Gasoline/License Suspension (S.L. 2001-352.).....	125, 333, 338, 380, 418, 843, 851, 853, 921.

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H	18	Counties Private Sale/Flood Homes (S.L. 2001-29.).....	177, 205, 233, 253, 267, 327, 405.
S	89	Senate District 5 Local Act-1 (Rules and Operations of the Senate Com)	68.
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S	88	Senate District 5 Local Act-3 (Rules and Operations of the Senate Com)	68.

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S	657	Chapel Hill Annexations (S.L. 2001-348.).....	217, 814, 817, 825, 832, 902, 920.
H	917	Durham Charter Cleanup/Raise Occupancy Tax (S.L. 2001-480.).....	462, 1040, 1149, 1154, 1169, 1170, 1208, 1219, 1244, 1265, 1269, 1315, 1345, 1347, 1363, 1366, 1370, 1375.

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H	906	Durham Charter Technical Corrections/Expand ABC Board/Single Prime (S.L. 2001-350.).....	432, 590, 599, 873, 883, 914, 921.
S	547	Durham City Antidiscrimination (State and Local Government Com).....	194.
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S	643	Durham County Zoning Changes (Finance Com)	215, 378, 382.
S	601	Durham Facilities Fees (Finance Com)	210.
S	587	Durham Historic Properties/Taking of Deer (S.L. 2001-382.).....	209, 463, 476, 952, 956, 960, 963.
S	621	Durham Impact Tax (Finance Com)	212.
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S	243	Red Light Cameras/Certain Municipalities (S.L. 2001-286.).....	113, 151, 160, 167, 193, 197, 198, 692, 700, 709, 742, 752, 769, 772, 808.
S	610	Senate District 13 Local Act-2 (Rules and Operations of the Senate Com)	211.
S	612	Senate District 13 Local Act-3 (Rules and Operations of the Senate Com)	211.
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S	944	Expand Call Centers Eligible for Bill Lee Act (Finance Com)	305.
S	282	Expand Development Zones (Finance Com)	126, 163.
S	85	Expand North Carolina Business Opportunities (S.L. 2001-13.).....	67, 121, 128, 206, 234, 236, 328.
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718, 725, 728, 783.

H 235 Sanitary District Economic Development
(S.L. 2001-221.).....431, 613, 622, 644, 691.

S 1039 Technological Development Tax Credit
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S 420 Rocky Mount/Perquimans Local Act
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S 44 Reform Civil Liability in Education
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S 281 School Counselor Pay Scale Increase
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S 71 Suspended Students Assigned to Alternative Programs
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166, 179, 591, 601, 604, 662.

S 744 Teach Personal Financial Literacy in Schools
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ELECTIONS AND ELECTION LAW [G.S. 163]

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S	10	Ballot Access Changes (House Failed 2nd Reading).....	48, 50, 162, 178, 252, 267.
H	1041	Ballot Instructions in Spanish (S.L. 2001-288.).....	502, 508, 730, 739, 786, 815.
H	34	Ban Butterfly and Punch-Card Ballots (S.L. 2001-310.).....	360, 787, 796, 828, 854.
S	1002	Campaign Finance Enforcement (S.L. 2001-419.).....	313, 583, 587, 594, 595, 933, 944, 947, 1019, 1039, 1042, 1087.
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H	1191	Canvass Show Under/Over Votes (Judiciary I Com).....	466.
H	980	Children in Voting Enclosures (S.L. 2001-292.).....	452, 730, 739, 786, 835.
H	1126	Clarify Residency for Registration or Voting (S.L. 2001-316.).....	484, 811, 819, 824, 855.
H	32	Congress Zero Deviation (S.L. 2001-479.).....	291, 520, 1314, 1345, 1346, 1370, 1375.
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H	977	Early Voting (S.L. 2001-337.).....	483, 837, 845, 848, 888.
H	831	Election Changes (S.L. 2001-319.).....	483, 520, 714, 729, 750, 770, 823, 855.
H	1046	Election Changes (S.L. 2001-466.).....	484, 1252, 1255, 1258, 1262.
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S	120	Fair Election Act (Judiciary II Com).....	74, 80.
S	2	Gubernatorial Team Ticket (H Rules, Calendar, and Operations of the House Com).....	47, 49, 97, 103, 119.
S	94	Implement Four-Year Terms and Session Limits (H Rules, Calendar, and Operations of the House Com).....	68, 417, 439.
S	787	Judicial Appointment/Voter Retention (H Judiciary II Com).....	269, 347, 407, 442, 444.
S	1054	Judicial Campaign Reform Act (H Election Law and Campaign Finance Reform Com).....	319, 341, 365, 581, 879, 1032, 1254, 1267, 1269, 1270, 1273, 1279.
H	57	Labeling Campaign Ads (S.L. 2001-317.).....	430, 767, 773, 792, 823, 855.
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H	1188	Protection of Voter Records (S.L. 2001-396.).....	465, 915, 923, 934, 959, 1013.
H	1187	Push Poll Disclosure (Rules and Operations of the Senate Com).....	503, 509.
S	8	Restrict National Soft Money (H Election Law and Campaign Finance Reform Com).....	48, 50, 434, 457, 469.
H	1184	Second Primary at Twenty-Five Percent (Rules and Operations of the Senate Com).....	503, 509.
S	441	State School Superintendent Appointed (H Rules, Calendar, and Operations of the House Com).....	160, 369, 383.

ELECTIONS AND ELECTION LAW [G.S. 163] (continued)

S	1014	Strengthen Littering Laws (S.L. 2001-512.).....	314, 334, 359, 381, 422, 445, 475, 874, 882, 890, 899, 900, 915, 1323, 1348, 1353, 1362, 1429.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
H	1193	Voter Address Change By FAX (S.L. 2001-314.).....	503, 509, 811, 820, 824, 854.
H	1186	Voter Registration by FAX (S.L. 2001-315.).....	503, 509, 811, 819, 824, 854.

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H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
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ELECTROLYSIS PRACTICE ACT [G.S. 88A]

H	436	Electrolysis Board Fees (S.L. 2001-176.).....	328, 594, 600, 608, 611, 662.
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ELEMENTARY AND SECONDARY EDUCATION [G.S. 115C]

S	201	Academic Achievement Gap Closing (Education/Higher Education Com) (Inc. S.L. 2001-424.).....	105, 268.
S	548	Amend Laws of ABCs of Public Education (Education/Higher Education Com).....	195, 268.
H	15	Amend School Classifications (S.L. 2001-97.).....	238, 511, 518, 538, 577.
S	867	Charter Schools Cap Change (Education/Higher Education Com).....	287.
S	409	Charter Schools/Law Changes (Finance Com).....	155.
H	1125	Clarify School Admissions Procedures (Education/Higher Education Com).....	502, 509.
S	532	Clarify School Board Appeals/Noncertified Employees Notice (S.L. 2001-260.).....	187, 343, 355, 710, 725, 728, 767.
S	793	Clarify Various Public School Laws (Rules and Operations of the Senate Com).....	270.
S	586	Classroom Experience for School Personnel (H Rules, Calendar, and Operations of the House Com)(Inc. S.L. 2001-491.).....	209, 279, 297.

ELEMENTARY AND SECONDARY EDUCATION [G.S. 115C] (continued)

S	1029	Competitive Bids/Food/Beverages in Schools (Commerce Com).....	316, 365.
S	922	Conflict of Interest (Judiciary I Com).....	302.
S	778	Criminal History Checks of School Employees (S.L. 2001-376.).....	268, 467, 491, 874, 883, 886, 951.
S	68	Criminal Justice Standards Commission Change (S.L. 2001-490.).....	63, 237, 247, 344, 435, 457, 669, 679, 687, 693, 1412, 1413, 1416, 1419, 1425.
H	1285	Delay Praxis II Test for New Teachers (S.L. 2001-129.).....	454, 531, 544, 569, 618.
S	378	Education Degree Not Required/Local Superintendent (S.L. 2001-174.).....	148, 268, 343, 355, 602, 609, 611, 662.
S	773	Education Opportunity and Excellence Act of 2001 (Finance Com)(Inc. S.L. 2001-424.).....	263.
S	803	Encourage Teacher Education/Active Military (S.L. 2001-146.).....	271, 408, 444, 588, 632.
S	762	Ensure Fairness in School Testing Program (Education/Higher Education Com) (Inc. S.L. 2001-424.).....	261, 410, 727.
S	1076	High Priority School Assistance and Accountability Act (Appropriations/Base Budget Com)(Inc. S.L. 2001-491) (Inc. S.L. 2001-424.).....	322, 365.
S	200	Hot Line/Disparate Treatment Of Students (Education/Higher Education Com).....	105.
S	163	LEAs and Group Homes (H Rules, Calendar, and Operations of the House Com).....	88, 279, 1137, 1142, 1155.
S	139	Local Flexibility Regarding Charter School Teachers (S.L. 2001-462.).....	81, 197, 207, 232, 239, 1235, 1245, 1251, 1261.
H	190	Local Flexibility Regarding Charter School Teachers (Education/Higher Education Com).....	370.
S	98	Meeting the Needs of Students With Disabilities (H Rules, Calendar, and Operations of the House Com)(Inc. S.L. 2001-491.).....	69, 181, 193, 198.
S	1032	Minors' Internet Access (H Rules, Calendar, and Operations of the House Com).....	316, 474, 478.
S	927	Modify Laws Concerning Children With Disabilities (Appropriations/Base Budget Com) (Inc. S.L. 2001-424.).....	303, 408.
S	966	Modify Professional Development Reports/ Education Oversight Study (H Education Com)(Inc. S.L. 2001-424.).....	308, 435, 472.
S	939	Moral, Ethical, and Virtuous Education (Education/Higher Education Com).....	305.

ELEMENTARY AND SECONDARY EDUCATION [G.S. 115C] (continued)

S	990	No Disclosure of Student Information to Third Parties (S.L. 2001-500.).....	312, 364, 377, 400, 1294, 1301, 1326, 1327, 1349, 1369, 1377, 1382, 1427.
S	235	North Carolina History Taught in Grades 4 and 8 (Education/Higher Education Com).....	110.
H	195	North Carolina History Taught/Student Citizen Act Of 2001 (S.L. 2001-363.).....	220, 784, 788, 802, 813, 853, 922.
S	930	North Carolina Science & Math School/Shared Academic Success (Education/Higher Education Com).....	303.
S	811	Parent of Suspended Student/Adequate Notice (S.L. 2001-244.).....	272, 352, 363, 674, 723.
S	394	Principal of the Year/Advisor to Education Board (H Rules, Calendar, and Operations of the House Com) (Inc. S.L. 2001-491.).....	154, 197, 207.
H	115	Public Conflicts Of Interest (S.L. 2001-409.).....	144, 347, 897, 901, 923, 934, 1027, 1057.
S	566	Records of School Suspension May Be Retained (Education/Higher Education Com).....	200.
H	620	Records of School Suspension May be Retained (S.L. 2001-195.).....	360, 563, 573, 585, 587, 601, 631, 683.
S	708	Reduce School Paperwork (S.L. 2001-151.).....	240, 408, 441, 564, 573, 575, 633.
S	933	Reemployment of Retired Public School Professionals (Pensions & Retirement and Aging Com) (Inc. S.L. 2001-424.).....	304, 391.
S	23	Remove Cap on Charter Schools (Education/Higher Education Com).....	54, 56.
S	754	Retired Professional Educators Return to Work (Pensions & Retirement and Aging Com) (Inc. S.L. 2001-424.).....	260, 390.
S	828	Retired Professional Educators Return to Work (Education/Higher Education Com) (Inc. S.L. 2001-424.).....	274.
S	805	Retired Teachers Encouraged to Teach (Pensions & Retirement and Aging Com) (Inc. S.L. 2001-424.).....	272, 391.
S	836	School Assignment/Child in Pre-Adoptive Home (S.L. 2001-303.).....	275, 377, 400, 802, 836.
H	144	School Closed Due to Inclement Weather/Flexibility (Education/Higher Education Com).....	481.
H	645	School Dress Code and Appearance Policies (Education/Higher Education Com).....	501, 507.
S	789	School Election Options (Appropriations/Base Budget Com).....	270, 450, 480.

ELEMENTARY AND SECONDARY EDUCATION [G.S. 115C] (continued)

H	106	School Elections Options (Conference Comm. Dismissed)	481, 650, 838, 844, 850, 869, 1048, 1049, 1120, 1123, 1125, 1173.
H	608	School Employee Health Certificate (S.L. 2001-118.)	394, 531, 543, 569, 617.
S	515	School Health Curriculum Modified (Rules and Operations of the Senate Com)	185, 694.
H	1149	School Policies on Harassment of Employees (S.L. 2001-173.)	465, 563, 573, 585, 616, 661.
S	947	School Speech Pathologists and Psychologists/Mentors (H Education Com)	306, 467, 492.
H	1087	School Volunteer Records Are Confidential (Education/Higher Education Com)	484.
H	568	Schools Must Protect Student and Family Privacy (Education/Higher Education Com)	500, 507.
H	979	Special Diploma for World War II Veterans (S.L. 2001-86.)	452, 512, 519, 521, 576.
S	441	State School Superintendent Appointed (H Rules, Calendar, and Operations of the House Com)	160, 369, 383.
S	1014	Strengthen Littering Laws (S.L. 2001-512.)	314, 334, 359, 381, 422, 445, 475, 874, 882, 890, 899, 900, 915, 1323, 1348, 1353, 1362, 1429.
H	405	Student Accountability Program Amended (Education/Higher Education Com)	437.
S	744	Teach Personal Financial Literacy in Schools (H Appropriations Subcommittee on Education Com) (Inc. S.L. 2001-491.)	259, 377, 396, 420.
S	769	Teacher Assistants Salary Increase (Appropriations/Base Budget Com)	262.
H	545	Teacher Credit for Excess Personal Leave (Appropriations/Base Budget Com)	431, 451, 736.
S	794	Teachers Do Not Forfeit Excess Leave Time (Appropriations/Base Budget Com)	270, 436.
H	338	Technical Corrections Act (S.L. 2001-487.)	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.)	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
S	898	The Student Citizen Act of 2001 (Education/Higher Education Com)	300, 343, 355, 693.

EMERGENCY MANAGEMENT ACT [G.S. 166A]

H	168	Corporate Asset Transfers/Relief for Troops (S.L. 2001-508.)	130, 516, 973, 977, 1406, 1417, 1428.
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EMERGENCY MANAGEMENT ACT [G.S. 166A] (continued)

S	300	Emergency Management Laws Amended (S.L. 2001-214.).....	131, 391, 418, 620, 628, 630, 690.
H	1466	Support Troops/Civil Relief (Sen Com Sub Refused by House).....	1083, 1143, 1151.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.

EMINENT DOMAIN [G.S. 40A]

H	19	Certain Counties and Towns Condemnations (S.L. 2001-36.).....	238, 345, 351, 363, 371, 382, 397, 494, 497.
S	719	Public Transportation Authority Eminent Domain (S.L. 2001-239.).....	242, 352, 362, 371, 664, 671, 679, 683, 723.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

EMPLOYMENT SECURITY [G.S. 96]

H	344	Domestic Employer Wage Reports (S.L. 2001-207.).....	183, 192, 353, 364, 567, 573, 581, 591, 593, 602, 614, 639, 690.
S	840	Employment Security Commission Attorneys' Fees (Appropriations/Base Budget Com).....	284, 468.
H	334	Exemption for Interns (S.L. 2001-285.).....	206, 687, 695, 767, 808.
H	1147	Hospital Temporary Bed Increases (S.L. 2001-410.).....	484, 1032, 1038, 1046, 1057.
H	311	Indian Tribe Unemployment Option (S.L. 2001-184.).....	370, 613, 622, 625, 663.
S	402	Keep Alternate Base Period (H Judiciary I Com).....	155, 369, 383.
H	343	Remove Employment Security Sunsets (S.L. 2001-251.).....	206, 557, 564, 565, 729, 735, 736, 765.
S	165	Revenue Laws Technical Changes (S.L. 2001-414.).....	88, 190, 440, 457, 487, 1009, 1017, 1022, 1027, 1057.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

EMPLOYMENT SECURITY [G.S. 96] (continued)

S 1005 The Appropriations Act of 2001
(S.L. 2001-424.).....313, 606, 609, 612,
615, 621, 626, 762, 771,
1073, 1080, 1083, 1085, 1117.

ENGINEERING AND LAND SURVEYING [G.S. 89C]

H 1119 Engineering/Land Surveying Act
(Finance Com) 453.

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S 1031 Air Quality Improvements Study
(Rules and Operations of the Senate Com) 316.

S 855 Airport Facilities Defined
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Natural Resources Com)286, 459, 480, 486.

S 953 Ban Certain Waste From Landfills
(Appropriations/Base Budget Com)..... 307, 443, 457.

S 954 Clarify Petroleum Cleanup Requirements
(Agriculture/Environment/Natural Resources Com)..... 307.

H 1301 Clarify Petroleum LUST Cleanup Requirements
(S.L. 2001-384.).....504, 510, 902, 917, 946, 969.

H 1009 Consistent Risk-Based Remedial Actions
(Agriculture/Environment/Natural Resources Com)..... 502, 508.

S 1011 Consistent Risk-Based Remedial Actions
(Agriculture/Environment/Natural Resources Com)..... 314.

H 1062 Correct Dry-Cleaning/White Goods Laws
(S.L. 2001-265.)..... 564, 640, 680,
685, 695, 721, 783.

S 763 Cumberland Dam/Reservoir/State Park
(Appropriations/Base Budget Com)
(Inc. S.L. 2001-491.)..... 261, 443.

S 483 Disapprove Tar-Pamlico Agricultural Rule
(Agriculture/Environment/Natural Resources Com)..... 174.

S 984 Enhance Stormwater Regulations
(Agriculture/Environment/Natural Resources Com)..... 311.

S 526 Environment and Education Trust Fund
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S 313 Environment/Agriculture Amendments
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H 1007 Environmental Technical Corrections
(Agriculture/Environment/
Natural Resources Com) 502, 508.

S 312 Environmental/Health Laws Amended
(S.L. 2001-440.)..... 133, 367, 383,
1134, 1150, 1152, 1218.

S 827 Extend Sunset LUST Land-Use Restrictions
(H Environment and Natural Resources Com)..... 274, 402, 421.

S 1046 Improve Air Quality -2
(Rules and Operations of the Senate Com) 318.

S 1022 Improve Air Quality-2
(Rules and Operations of the Senate Com) 315.

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S	1078	Improve Air Quality/Electric Utilities (H Public Utilities Com) (Inc. S.L. 2001-491.).....	322, 386, 400, 401, 422.
S	5	Make North Carolina Clean Again (Judiciary II Com).....	47, 49, 56.
H	1063	Pay for Performance/Leaking Underground Storage Tanks Cleanups (S.L. 2001-442.).....	502, 508, 1076, 1081, 1116, 1153, 1218.
S	956	Pay for Performance/LUST Cleanups (Agriculture/Environment/Natural Resources Com).....	307.
S	265	Prohibit DOT From Burning (Appropriations/Base Budget Com).....	117, 393.
S	500	Regulate Interbasin Transfers (Rules and Operations of the Senate Com)	184.
S	1047	Restore Mountain Air Quality (H Environment and Natural Resources Com)	318, 448, 491, 494.
H	1019	Septage Management/On-Site Wastewater Systems/Liability (S.L. 2001-505.).....	665, 787, 936, 1134, 1143, 1248, 1280, 1287, 1298, 1370, 1427.
S	1014	Strengthen Littering Laws (S.L. 2001-512.).....	314, 334, 359, 381, 422, 445, 475, 874, 882, 890, 899, 900, 915, 1323, 1348, 1353, 1362, 1429.
H	1215	Sunset on Demolition Debris in Landfill Extended (Agriculture/Environment/Natural Resources Com).....	485.
H	189	Temporary Rules/Coastal Resources and Environmental Management (S.L. 2001-418.).....	183, 191, 971, 977, 1006, 1042, 1087.
S	791	Underground Storage/Environment Blank Bill (Rules and Operations of the Senate Com)	270.

ESCHEATS AND ABANDONED PROPERTY [G.S. 116B]

S	220	Define Time Stock Abandoned for Escheats (S.L. 2001-226.).....	108, 264, 280, 643, 692.
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ESTATES [G.S. 41]

H	41	Securities Transfer on Death (Commerce Com).....	148, 782, 788, 804, 818, 844, 877, 898, 942.
S	161	Securities Transfer On Death (Judiciary I Com)	87.

ETHICS

H	723	Appointed Member's Statement of Economic Interest (S.L. 2001-119.).....	431, 556, 566, 569, 617.
S	922	Conflict of Interest (Judiciary I Com)	302.

ETHICS (continued)

H	115	Public Conflicts Of Interest (S.L. 2001-409.).....	144, 347, 897, 901, 923, 934, 1027, 1057.
S	898	The Student Citizen Act of 2001 (Education/Higher Education Com).....	300, 343, 355, 693.

EVIDENCE [G.S. 8]

H	342	Employment Security Commission Records/Evidence (S.L. 2001-115.).....	177, 539, 552, 554, 605.
S	739	Psychological Associates/Clinical Social Worker Privilege (S.L. 2001-152.).....	258, 327, 338, 574, 581, 582, 633.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
H	643	Testimonial Privilege for Violence Victims (S.L. 2001-277.).....	437, 676, 686, 688, 695, 767, 807.
S	711	Testimonial Privilege for Violence Victims (Judiciary I Com).....	241.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.

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	No. 1, No. 2	41, 1445.
	No. 3	99, 1446.
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	No. 5	245, 1446.
	No. 6, No. 7, No. 8, No. 9, No. 10	796, 1446.
	No. 11	915, 1446.
	No. 12, No. 13	1252, 1446.

EXECUTIVE ORGANIZATION ACT OF 1973 [G.S. 143B]

S	7	Add Juvenile Members (S.L. 2001-199.).....	47, 50, 103, 117, 628, 636, 638, 684.
S	1024	Amend Appointment of Environmental Management Commission Members (H Rules, Calendar, and Operations of the House Com).....	315, 402, 490, 493.
H	274	Amend Juvenile Justice Terminology (S.L. 2001-95.).....	336, 529, 536, 538, 577.
H	231	Appropriations Modifications and Other Changes (S.L. 2001-513.) (Inc. S.L. 2001-424.).....	1010, 1062, 1069, 1077, 1088, 1123, 1127, 1263, 1268, 1271, 1385, 1402, 1407, 1417, 1429.

EXECUTIVE ORGANIZATION ACT OF 1973 [G.S. 143B] (continued)

S	841	Appropriations/Modifications and Other Changes (Appropriations/Base Budget Com).....	284, 704, 717, 1262.
S	954	Clarify Petroleum Cleanup Requirements (Agriculture/Environment/Natural Resources Com).....	307.
H	1301	Clarify Petroleum LUST Cleanup Requirements (S.L. 2001-384.).....	504, 510, 902, 917, 946, 969.
H	1009	Consistent Risk-Based Remedial Actions (Agriculture/Environment/ Natural Resources Com).....	502, 508.
S	1011	Consistent Risk-Based Remedial Actions (Agriculture/Environment/Natural Resources Com).....	314.
S	831	Controller/Extend Appointment Deadline (S.L. 2001-42.).....	275, 433, 460, 510, 511.
S	1010	Correct Dry-Cleaning/White Goods Laws (Finance Com).....	314.
S	68	Criminal Justice Standards Commission Change (S.L. 2001-490.).....	63, 237, 247, 344, 435, 457, 669, 679, 687, 693, 1412, 1413, 1416, 1419, 1425.
S	710	Department of Cultural Resources Admission Fees-AB (Finance Com).....	241.
H	1006	Environmental Report Consolidation (S.L. 2001-452.).....	483, 1130, 1136, 1226, 1235.
S	1034	Environmental Report Consolidation (H Environment and Natural Resources Com).....	317, 443, 472.
S	920	Environmental Technical Corrections (S.L. 2001-474.).....	302, 443, 470, 1231, 1240, 1253, 1257, 1323.
S	827	Extend Sunset LUST Land-Use Restrictions (H Environment and Natural Resources Com).....	274, 402, 421.
S	693	Film Industry Incentives (Finance Com).....	222.
S	202	Fishery Management Plan Revision Amended (S.L. 2001-213.).....	106, 141, 149, 634, 641, 643, 690.
S	829	Government Security Interests Clarified (S.L. 2001-218.).....	275, 393, 421, 653, 691.
H	435	Governor Morehead School Staffing Changes (S.L. 2001-412.).....	291, 913, 960, 966, 1027, 1057.
S	368	Governor Morehead School Staffing Changes (Children & Human Resources Com).....	146.
H	363	Indian Land in Trust (S.L. 2001-344.).....	291, 776, 780, 781, 789, 801, 804, 814, 834, 888.
S	205	Marine Fisheries Commission Terms Staggered (H Environment and Natural Resources Com).....	106, 142, 149.
S	374	Mental Health System Reform (Children & Human Resources Com).....	147, 666, 673.
H	381	Mental Health System Reform (S.L. 2001-437.).....	859, 948, 954, 963, 972, 1017, 1048, 1061, 1125, 1132, 1137, 1153, 1217.

EXECUTIVE ORGANIZATION ACT OF 1973 [G.S. 143B] (continued)

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S	914	Public Construction Law Changes (S.L. 2001-496.).....	301, 435, 469, 1373, 1375, 1378, 1383, 1415, 1417, 1426.
H	162	Rate Setting/Adult Day Care (Appropriations/Base Budget Com).....	192, 353.
S	167	Rate Setting/Adult Day Care (H Rules, Calendar, and Operations of the House Com).....	88, 468, 489.
S	764	Reorganize Savings Institution Division (Commerce Com).....	261.
H	803	Reorganize Savings Institutions Division (S.L. 2001-193.).....	431, 640, 647, 653, 675.
S	165	Revenue Laws Technical Changes (S.L. 2001-414.).....	88, 190, 440, 457, 487, 1009, 1017, 1022, 1027, 1057.
H	1090	Rural Internet Access Authority Membership (S.L. 2001-171.).....	453, 590, 600, 604, 661.
S	832	Small Business Contractor Initiative/Funds (H Finance Com).....	275, 1368, 1374, 1383.
H	149	Stagger Marine Fisheries Commission Terms (Agriculture/Environment/ Natural Resources Com).....	183, 191.
S	347	Property/Blount Street Historic District (H Rules, Calendar, and Operations of the House Com).....	138, 433, 458.
H	405	Student Accountability Program Amended (Education/Higher Education Com).....	437.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
S	6	Transfer Domestic Violence Commission (Judiciary II Com).....	47, 49.
H	897	Triangle Native American Society Appointments (S.L. 2001-318.).....	432, 773, 793, 824, 855.

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H	687	"First in Forestry" Special Plates (Finance Com).....	621.
S	140	Ad Hoc Community Collections Reported (H Rules, Calendar, and Operations of the House Com).....	81, 619, 1155, 1171, 1172, 1173.

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S	431	Adjust License Thresholds for Inflation (S.L. 2001-140.).....	159, 240, 248, 596, 632.
H	1362	Advance Health Care Directives Registry (S.L. 2001-455.).....	971, 1022, 1058, 1071, 1227, 1235.
S	905	Air Quality/Motor Vehicle Inspection Fees (Transportation Com).....	300.
H	969	Air Quality/Motor Vehicle Inspection Fees (S.L. 2001-504.).....	649, 1140, 1145, 1155, 1171, 1212, 1225, 1328, 1348, 1363, 1369, 1382, 1427.
S	234	Annual Report Filing Requirement Notice (Appropriations/Base Budget Com).....	110, 750.
H	231	Appropriations Modifications and Other Changes (S.L. 2001-513.) (Inc. S.L. 2001-424.).....	1010, 1062, 1069, 1077, 1088, 1123, 1127, 1263, 1268, 1271, 1385, 1402, 1407, 1417, 1429.
H	1341	Auctions/Auctioneers Laws Amended (S.L. 2001-198.).....	485, 590, 600, 631, 684.
S	1030	Audubon North Carolina Special Registration Plates (Finance Com)	316.
S	748	Bill Lee Act Changes (S.L. 2001-476.).....	259, 1072, 1076, 1115, 1249, 1255, 1267, 1270, 1273, 1279, 1323.
S	962	Blue Ridge Parkway Foundation License Plate (Finance Com)	308.
H	232	Budget Revenue Provisions (S.L. 2001-427.).....	719, 967, 1015, 1023, 1027, 1036, 1043, 1077, 1131.
S	842	Business Entity Changes (S.L. 2001-387.).....	284, 603, 737, 749, 931, 935, 943, 946, 969.
S	620	Cary General Government Facilities Fees (Finance Com)	212.
S	616	Cary Open Space Impact Fees (Finance Com)	212.
S	619	Cary Parks Impact Fees (Finance Com)	212.
S	1055	Certificate of Need Modifications With Fee (Health Care Com).....	319.
S	498	Certified Professional Midwives (Health Care Com).....	184.
S	438	Clarify Public Vehicular Area (S.L. 2001-441.).....	159, 675, 818, 826, 1122, 1131, 1136, 1149, 1152, 1218.
S	337	Consolidate Business Provisions (Judiciary I Com).....	136.
H	385	Consolidate Business Provisions (S.L. 2001-358.).....	345, 767, 788, 797, 881, 922.

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S	850	Cosmetic Art Fees/Continuing Education (Finance Com)	285.
S	710	Department of Cultural Resources Admission Fees-AB (Finance Com)	241.
S	353	Department of Revenue Debt Collection Changes (S.L. 2001-380.)(Inc. S.L. 2001-424.).....	139, 170, 330, 455, 488, 490, 497, 723, 746, 748, 792, 892, 913, 914, 951.
S	157	Dietetics/Nutrition Practice Act (S.L. 2001-342.).....	87, 146, 352, 363, 847, 888.
S	396	Electrical Contractors (S.L. 2001-159.).....	154, 352, 363, 575, 633.
H	436	Electrolysis Board Fees (S.L. 2001-176.).....	328, 594, 600, 608, 611, 662.
S	838	Eliminate Fee-Ham Operator Plates (Finance Com)	283.
H	440	Embalmers and Funeral Directors (S.L. 2001-294.).....	482, 640, 680, 685, 700, 704, 731, 738, 786, 835.
S	840	Employment Security Commission Attorneys' Fees (Appropriations/Base Budget Com).....	284, 468.
S	904	Enact Mortgage Lending Act (S.L. 2001-393.).....	300, 842, 846, 850, 952, 957, 961, 963, 974.
S	314	Farm Vehicle Registration Fee Reduced (Finance Com)	133, 734, 787.
H	759	Harley Owners' Group License Plate (Finance Com)	621.
H	1397	Increase Service of Process Fee (Finance Com)	654.
S	1070	Information Technology Services Dispute Resolution (S.L. 2001-142.).....	321, 410, 446, 589, 632.
S	320	Insurance Fee Repeals and Increases (Finance Com)	134, 231.
H	348	Insurance Fee Repeals and Increases (Finance Com)	394.
S	269	Investment Adviser Law Amended (S.L. 2001-273.).....	124, 407, 441, 767, 784.
S	787	Judicial Appointment/Voter Retention (H Judiciary II Com).....	269, 347, 407, 442, 444.
S	883	Judicial Appointment/Voter Retention (Judiciary I Com)	289.
S	897	Labor Commissioner Fee Authority (Finance Com)	299.
S	893	Landscape/Irrigation Contractors (Commerce Com).....	299.
S	680	Lawful Firearm Activities Protected (Judiciary II Com).....	221, 473, 732, 738, 1229.
S	861	License by Credentials/Dentistry (H Health Com).....	287, 663, 933, 942, 956.

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H	942	Locksmith Licensure (S.L. 2001-369.).....	779, 817, 857, 868, 877, 914, 950.
S	630	Mecklenburg Facilities Fee/Indigency Pilot (Finance Com)	213.
S	1067	Medical Board Elections (Health Care Com).....	321.
S	1072	Mental Health Practitioner Act (Health Care Com).....	322.
S	890	Money Transmitters Act (S.L. 2001-443.).....	299, 562, 857, 869, 1135, 1150, 1152, 1218.
S	1064	Mortgage Lending Act (Commerce Com).....	321.
S	888	Nonresident License Fees (S.L. 2001-91.).....	290, 393, 401, 402, 532, 577.
H	92	Nonresident Search Fee Increase (Finance Com)	220.
S	187	Nonresident Search Fee Increase (Finance Com)	98.
S	721	Occupational Licensing Fees and Per Diem Changes (S.L. 2001-493.)(Inc. S.L. 2001-424.).....	250, 390, 416, 458, 1238, 1291, 1299, 1301, 1306, 1355, 1362, 1426.
H	1284	Openness of Court Records and Proceedings (S.L. 2001-516.).....	932, 1313, 1347, 1350, 1360, 1364, 1408, 1410, 1420, 1429.
S	628	Out-of-State CPAs/Fees (S.L. 2001-313.).....	213, 584, 591, 608, 823, 854.
S	446	Pharmacy Technicians (S.L. 2001-375.).....	164, 278, 702, 717, 861, 878, 883, 886, 951.
S	395	Plumbing and Heating Contractors (S.L. 2001-270.).....	154, 267, 584, 591, 607, 622, 733, 740, 751, 763, 784.
S	745	Post-Release Supervision Changes/Sentencing Commission (Appropriations/Base Budget Com).....	259, 368.
S	946	Practice of Barbering (Finance Com)	305, 897.
S	823	Promoting NC Grape and Wine Industry (S.L. 2001-262.).....	274, 392, 420, 705, 718, 725, 728, 783.
S	891	Register of Deeds Uniform Fees (Finance Com)	299.
H	1073	Register of Deeds/Business Reinstatement (S.L. 2001-390.).....	699, 884, 890, 912, 917, 950, 970.
H	635	Regulate Body Piercing (Finance Com)	1083, 1142.
S	366	Regulatory Fees for Utilities Commission (Finance Com)	143.

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H	1269	Rental Cars-Advertising and Charges (S.L. 2001-432.).....	504, 1045, 1059, 1070, 1122, 1211.
S	165	Revenue Laws Technical Changes (S.L. 2001-414.).....	88, 190, 440, 457, 487, 1009, 1017, 1022, 1027, 1057.
H	599	Revise Consumer Finance Act (S.L. 2001-519.).....	495, 1138, 1141, 1153, 1219, 1223, 1239, 1251, 1273, 1286, 1298, 1346, 1409, 1420, 1429.
S	873	Septage Management Program Amended (Agriculture/Environment/ Natural Resources Com)	288.
H	1019	Septage Management/On-Site Wastewater Systems/Liability (S.L. 2001-505.).....	665, 787, 936, 1134, 1143, 1248, 1280, 1287, 1298, 1370, 1427.
S	1062	Substance Abuse Professionals (S.L. 2001-370.).....	320, 703, 788, 795, 804, 886, 950.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
H	880	Transfer Bertie Septic Systems/Authorize Fees (S.L. 2001-78.).....	379, 505, 535, 542, 552, 555, 570.
H	110	Various New Special License Plates (S.L. 2001-498.).....	606, 1052, 1060, 1069, 1224, 1225, 1289, 1300, 1322, 1426.
H	359	Viatical Settlements Rewrite (S.L. 2001-436.).....	931, 975, 1052, 1058, 1078, 1082, 1146, 1216.
S	458	Viatical Settlements Rewrite (Insurance and Consumer Protection Com)	170.

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H	716	Estate Law Changes (Judiciary I Com)	482.
H	1070	Trustees and Estate Law Changes (S.L. 2001-413.).....	889, 956, 1047, 1049, 1057.

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S	1009	Agricultural Contracts Fairness Act (Commerce Com).....	314.
S	905	Air Quality/Motor Vehicle Inspection Fees (Transportation Com).....	300.
H	969	Air Quality/Motor Vehicle Inspection Fees (S.L. 2001-504.).....	649, 1140, 1145, 1155, 1171, 1212, 1225, 1328, 1348, 1363, 1369, 1382, 1427.
H	1472	Biological Agents Registry (S.L. 2001-469.).....	1256, 1272, 1274, 1279, 1305.

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S	1002	Campaign Finance Enforcement (S.L. 2001-419.).....	313, 583, 587, 594, 595, 933, 944, 947, 1019, 1039, 1042, 1087.
H	253	Certain Manufactured Homes Real Property (S.L. 2001-506.).....	245, 1148, 1155, 1165, 1209, 1219, 1229, 1256, 1296, 1300, 1308, 1322, 1428.
S	546	Child Bicycle Safety Act (Judiciary I Com)	194.
H	63	Child Bicycle Safety Act (S.L. 2001-268.).....	256, 672, 703, 715, 731, 740, 747, 783.
H	837	Civil Penalty Authorized/Public Health Violations (S.L. 2001-120.).....	437, 556, 566, 569, 617.
S	348	Cumberland Occupancy Tax Increase (S.L. 2001-484.).....	138, 968, 975, 1006, 1009, 1016, 1021, 1259, 1267, 1291, 1304, 1355, 1363, 1385, 1418.
H	1119	Engineering/Land Surveying Act (Finance Com)	453.
S	312	Environmental/Health Laws Amended (S.L. 2001-440.).....	133, 367, 383, 1134, 1150, 1152, 1218.
H	150	Extend Tax Deadline (S.L. 2001-87.).....	177, 514, 519, 521, 576.
S	1054	Judicial Campaign Reform Act (H Election Law and Campaign Finance Reform Com).....	319, 341, 365, 581, 879, 1032, 1254, 1267, 1269, 1270, 1273, 1279.
S	893	Landscape/Irrigation Contractors (Commerce Com).....	299.
H	432	Licensing Selling of Cars (S.L. 2001-345.).....	336, 795, 802, 812, 817, 843, 888.
H	1448	Make Meals Tax Penalties Uniform (S.L. 2001-264.).....	606, 702, 717, 724, 728, 783.
S	5	Make North Carolina Clean Again (Judiciary II Com).....	47, 49, 56.
H	904	Misdemeanor Child Abuse Penalty Increase (Judiciary I Com)	437, 955, 960, 972, 1032, 1038.
S	890	Money Transmitters Act (S.L. 2001-443.).....	299, 562, 857, 869, 1135, 1150, 1152, 1218.
S	30	Outlaw Taking of Sea Oats (S.L. 2001-93.).....	58, 163, 178, 538, 577.
S	126	Photo Radar Pilot Programs (Judiciary II Com).....	78.
S	833	Possession/Manufacture of Fraudulent IDs (S.L. 2001-461.).....	275, 418, 445, 1229, 1231, 1246, 1251, 1258.

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S	745	Post-Release Supervision Changes/Sentencing Commission (Appropriations/Base Budget Com).....	259, 368.
S	243	Red Light Cameras/Certain Municipalities (S.L. 2001-286.).....	113, 151, 160, 167, 193, 197, 198, 692, 700, 709, 742, 752, 769, 772, 808.
S	1014	Strengthen Littering Laws (S.L. 2001-512.).....	314, 334, 359, 381, 422, 445, 475, 874, 882, 890, 899, 900, 915, 1323, 1348, 1353, 1362, 1429.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1003	The Solicitation-Free Dinner Act (Commerce Com).....	313.
S	679	Turfgrass Fertilizer Assessment (Finance Com)	221.

FIRE PROTECTION [G.S. 69]

S	165	Revenue Laws Technical Changes (S.L. 2001-414.).....	88, 190, 440, 457, 487, 1009, 1017, 1022, 1027, 1057.
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FIREFIGHTING

H	604	Amend Charlotte Firefighters' Retirement Act (S.L. 2001-22.).....	277, 343, 354, 358, 367.
S	524	Charlotte Firefighters' Retirement Act Amended (Pensions & Retirement and Aging Com).....	187.
S	544	Correct Henderson Firemen's Supplemental Retirement (S.L. 2001-71.).....	194, 343, 353, 554, 569.
S	816	Fire and Rescue Pension Amount Increase (Appropriations/Base Budget Com).....	273, 378.
S	136	Fire and Rescue Squad Pensions (Pensions & Retirement and Aging Com).....	79.
S	801	Firemen Reporting (S.L. 2001-222.).....	271, 393, 420, 644, 692.
H	777	Gastonia Firemen's Supplemental Pension Fund Repealed (S.L. 2001-34.).....	346, 378, 398, 404, 405.
H	621	Repeal Cary Firemen's Supplemental Retirement Fund (S.L. 2001-23.).....	277, 343, 354, 358, 367.
H	477	Repeal Marion Firemen's Supplemental Retirement Fund (S.L. 2001-21.).....	277, 343, 354, 358, 366.
S	158	Repeal Monroe Firemen's Supplemental Retirement Fund (S.L. 2001-70.).....	87, 353, 362, 554, 569.
H	198	Repeal Morehead City Firemen's Retirement Fund (S.L. 2001-18.).....	277, 343, 354, 358, 366.
S	299	Workers' Compensation For Pickup Firefighters (S.L. 2001-204.).....	131, 265, 281, 629, 636, 638, 689.

FISH & WILDLIFE

H	509	Allow Stocking of Animals (Agriculture/Environment/Natural Resources Com).....	465.
S	1030	Audubon North Carolina Special Registration Plates (Finance Com)	316.
H	875	Biltmore Forest Deer Management (S.L. 2001-156.).....	483, 528, 536, 542, 559, 582, 633.
H	1003	Controlled Hunting Preserves (Agriculture/Environment/Natural Resources Com).....	483.
S	587	Durham Historic Properties/Taking of Deer (S.L. 2001-382.).....	209, 463, 476, 952, 956, 960, 963.
S	203	Fisheries Resource Grant Program Administrative Expense (Appropriations/Base Budget Com).....	106, 142.
H	159	Martin County Bear Hunting (S.L. 2001-64.).....	360, 532, 542, 547, 555.
H	893	No Deer Hunting With Dogs (Rules and Operations of the Senate Com)	361.
S	888	Nonresident License Fees (S.L. 2001-91.).....	290, 393, 401, 402, 532, 577.
H	891	Regulate Spotlighting of Deer (S.L. 2001-164.).....	462, 590, 599, 631, 639.
H	306	Remove Sunset on Hyde/Beaufort Trapping (S.L. 2001-19.).....	183, 191, 335, 347, 354, 358, 366.
S	204	Repeal Fisheries Sunsets/Extend Core Sound Moratorium (H Environment and Natural Resources Com).....	106, 141, 149.
H	903	Richmond Fox Trapping (S.L. 2001-133.).....	466, 590, 599, 604, 618.

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H	148	Amend Fishery Management Plan Revision (Agriculture/Environment/Natural Resources Com).....	182, 191.
S	919	Marine Fisheries Laws Amended (Agriculture/Environment/Natural Resources Com).....	302.

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S	724	Local/State Forestry Pilot Program (Agriculture/Environment/Natural Resources Com).....	250.
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FORRESTER, SENATOR JAMES **39th District**—**Gaston** (part), Iredell (part),
Lincoln (part).

Absent of Leave.....	55, 179 (portion), 568 (portion), 752, 1008, 1031, 1080, 1121, 1152, 1250, 1282, 1288 (portion), 1293, 1304, 1383 (portion).
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Committee Assignments—	
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Sergeant At Arms-elect.....	37.
American Renaissance Charter School Students.....	513.
John C. Baity, President of the American Cancer Society	523.

FORRESTER, SENATOR JAMES (continued)

Escorts—(continued)

- Ray G. Smith, National Commander of the American Legion 634.
- Mr. Humpy Wheeler and Mr. Doug Stafford, NASCAR Motor Sports 897.
- Miss North Carolina, Ashley House 976.

Oath of Office..... 7.

Paired Votes—

- S 1005 The Appropriations Act of 2001 1083.

Remarks Spread—

- Pride in the Professions Award 670.
- Honoring The Reverend Billy Graham 908.

Republican Caucus Election-Minority Whip 38.

Bills and Resolutions—(Senate Bills)

- Primary Sponsor 118, 330, 389, 390, 391, 482, 543, 699,
803, 804, 805, 894.
- Co-Sponsor 2, 3, 4, 5, 13, 21, 22, 23, 69, 72, 90, 94, 95,
96, 104, 120, 121, 122, 123, 131, 132, 159,
160, 161, 166, 167, 177, 178, 179, 180, 188,
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770, 771, 772, 788, 799,800, 801, 802, 815,
837, 854, 859, 861, 938, 939, 978, 979, 980,
1012, 1074, 1075, 1078, 1105, 1108.

FORSYTH COUNTY—District 20—Senator Linda Garrou
 Senator Hamilton C. Horton
 District 38—Senator Stan Bingham

- H 108 Counties Collect Delinquent Taxes Before Record Deeds
(S.L. 2001-464.) 182, 191, 703,
717, 777, 814, 1212,
1221, 1247, 1251, 1262.
- S 639 Deep River Heritage Corridor
(H Rules, Calendar, and Operations
of the House Com) 214, 490, 493.
- S 401 Forsyth County and Stanly County Schools Bids
(S.L. 2001-99.) 154, 278, 294, 297, 331,
338, 564, 572, 575, 583.
- S 485 Forsyth County Local Act
(Rules and Operations of the Senate Com) 174.
- S 435 Forsyth County Local Act-1
(Rules and Operations of the Senate Com) 159.
- S 437 Forsyth County Local Act-2
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- S 486 Kernersville Private Sale
(S.L. 2001-80.) 174, 237, 246, 562, 576.
- S 453 Lexington/Winston-Salem Vegetation Ordinance
(S.L. 2001-107.) 165, 244, 254,
578, 585, 589, 605.
- S 676 Pfafftown Incorporated/Lewisville Limits
(Finance Com) 219.

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S 455 Senate District 38 Local Act-1
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S 457 Senate District 38 Local Act-2
 (Rules and Operations of the Senate Com) 166.

S 456 Senate District 38 Local Act-3
 (Rules and Operations of the Senate Com) 165.

S 454 Senate District 38 Local Act-4
 (Rules and Operations of the Senate Com) 165.

H 618 Taxi Service to Piedmont Triad Airport
 (Judiciary I Com) 451.

S 675 Winston-Salem/Forsyth Technology Purchases
 (S.L. 2001-54.)..... 218, 344, 354, 527, 539.

FOXX, SENATOR VIRGINIA.....**12th District**—Alleghany, Ashe,
 Guilford (part), Rockingham,
 Stokes, Surry, **Watauga.**

Absent of Leave..... 1282.

Adjournment Motion—Second 240, 537, 763, 1419.

Certificate of Election..... 6.

Committee Assignments—
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 Standing..... 42, 43, 44, 45.

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Oath of Office..... 7.

Paired Votes—
 S 824 State Health Plan Changes..... 761.

Remarks Spread—
 S 1078 Improve Air Quality/Electric Utilities 428, 429.
 Memorializing Richardson and Emily Preyer..... 926.
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 541, 542, 549, 650, 651, 705, 938, 1012.

Co-Sponsor.....2, 3, 5, 13, 22, 23, 26, 69, 118, 120, 123, 136,
 141, 153, 159, 160, 164, 197, 215, 228, 278,
 282, 283, 285, 289, 300, 301, 304, 329, 369,
 372, 373, 374, 402, 450, 451, 470, 473, 484,
 498, 521, 522, 537, 586, 599, 639, 641, 679,
 680, 687, 708, 711, 713, 754, 770, 782, 794,
 800, 801, 802, 805, 816, 822, 828, 837, 859,
 861, 897, 913, 933, 939, 944, 974, 977, 979,
 980, 981, 991, 1036, 1048, 1057, 1074, 1078,
 1084, 1085, 1105, 1108.

FRANKLIN COUNTY—District 11—Senator Allen H. Wellons

H 77 Certain Cities and Towns Annexations
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 330, 337, 346, 350, 494, 497.

S 326 Senate District 11 Local Act-1
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- S 328 Senate District 11 Local Act-2
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- S 324 Senate District 11 Local Act-3
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GAMING CONTRACTS AND FUTURES [G.S. 16]

- S 882 Conform NC Law to Commodities Exchange Act
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533, 539, 546, 605.

GARROU, SENATOR LINDA..... **20th District—Forsyth** (part)

- Absent of Leave..... 129, 137, 141, 145, 778, 851 (portion), 880, 949, 954,
959, 962, 1313, 1344, 1361 (portion), 1409 (portion).
- Adjournment Motion—Second 810.
- Certificate of Election..... 6.
- Committee Assignments—
 - Conference.....720, 762, 1017, 1049, 1225.
 - Standing..... 42, 43, 44, 46.
- Escorts—
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 - Conductor Andre Rafael Smith..... 75.
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 - American Renaissance Charter School Students..... 513.
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 - Memorializing Buffalo Soldiers..... 119.
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 - Primary Sponsor170, 435, 437, 438, 675, 793, 996, 1029,
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 - Co-Sponsor.....2, 13, 21, 22, 69, 71, 94, 95, 96, 98, 130, 153,
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680, 694, 707, 708, 711, 739, 744, 755, 764,
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991, 992, 1032, 1053, 1056, 1057, 1069,
1076, 1078, 1105, 1108.

GARWOOD, SENATOR JOHN A. **27th District—Alexander, Avery, Burke** (part),
Caldwell, Mitchell, **Wilkes**, Yadkin.

- Absent of Leave.....49, 100, 129, 137, 141, 145, 178 (portion),
643, 652, 688, 752, 778, 829, 946, 1008, 1041,
1046, 1127 (portion), 1282, 1313, 1344, 1385 (portion).
- Adjournment Motion—Second900, 1004, 1056.
- Certificate of Election..... 6.
- Committee Assignments—
 - Conference..... 746, 809, 918, 1209, 1269, 1378.
 - Standing..... 42, 44, 46.

GARWOOD, SENATOR JOHN A. (continued)

Escorts—

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 Dr. E. B. Palmer, Sr. 114.
 Ray G. Smith, National Commander of the American Legion 634.

Oath of Office 7.

Remarks Spread—

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Bills and Resolutions—(Senate Bills)

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 Co-Sponsor 4, 5, 13, 21, 23, 31, 69, 95, 120, 121, 122,
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 281, 282, 283, 285, 300, 301, 303, 304, 329,
 378, 446, 450, 451, 470, 478, 522, 537, 541,
 542, 556, 652, 653, 679, 680, 708, 713, 723,
 725, 754, 764, 766, 770, 771, 788, 800, 801,
 802, 803, 804, 805, 815, 854, 859, 861, 893,
 933, 938, 939, 943, 945, 947, 962, 974, 976,
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GASOLINE AND OIL INSPECTION AND REGULATION [G.S. 119]

H 1308 Extend Low-Sulfur Gasoline Implementation
 (Rules and Operations of the Senate Com) 504, 510.

**GASTON COUNTY—District 25—Senator David W. Hoyle
 District 39—Senator James Forrester**

H 77 Certain Cities and Towns Annexations
 (S.L. 2001-37.) 220, 252, 266, 280, 281, 294,
 330, 337, 346, 350, 494, 497.
 H 661 Gaston County Department of Social Services Board Size
 (State and Local Government Com) 395.
 S 482 Gaston County Local Act
 (Rules and Operations of the Senate Com) 174.
 H 777 Gastonia Firemen's Supplemental Pension Fund Repealed
 (S.L. 2001-34.) 346, 378, 398, 404, 405.
 S 271 Gastonia Local Act-1
 (Rules and Operations of the Senate Com) 124.
 S 270 Gastonia Local Act-3
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 S 92 Various Local Occupancy Taxes
 (S.L. 2001-439.) 68, 359, 370,
 382, 397, 411, 412,
 438, 456, 874, 878, 918,
 1089, 1118, 1127, 1152, 1218.

GATES COUNTY—District 2—Senator Frank W. Ballance, Jr.

S 550 Gates County Local Act
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S	678	Gates Election (S.L. 2001-63.).....	219, 353, 362, 547, 555.
H	880	Transfer Bertie Septic Systems/Authorize Fees (S.L. 2001-78.).....	379, 505, 535, 542, 552, 555, 570.

GENERAL ASSEMBLY [G.S. 120]

H	723	Appointed Member's Statement of Economic Interest (S.L. 2001-119.).....	431, 556, 566, 569, 617.
H	231	Appropriations Modifications and Other Changes (S.L. 2001-513.) (Inc. S.L. 2001-424.).....	1010, 1062, 1069, 1077, 1088, 1123, 1127, 1263, 1268, 1271, 1385, 1402, 1407, 1417, 1429.
S	841	Appropriations/Modifications and Other Changes (Appropriations/Base Budget Com).....	284, 704, 717, 1262.
H	280	Convene Session Earlier (H Rules, Calendar, and Operations of the House Com).....	360, 971, 978, 1007.
S	11	Election Changes - Miscellaneous (S.L. 2001-353.).....	48, 50, 326, 338, 849, 858, 860, 921.
S	920	Environmental Technical Corrections (S.L. 2001-474.).....	302, 443, 470, 1231, 1240, 1253, 1257, 1323.
S	120	Fair Election Act (Judiciary II Com).....	74, 80.
H	1025	House Redistricting - Sutton Plan 2 (S.L. 2001-459.).....	1239, 1252, 1253, 1255, 1257, 1258.
S	94	Implement Four-Year Terms and Session Limits (H Rules, Calendar, and Operations of the House Com).....	68, 417, 439.
S	285	Independent Redistricting Commission (Redistricting Com).....	126.
S	67	Juvenile Justice Under Corrections Oversight (S.L. 2001-138.).....	62, 111, 118, 596, 631.
S	985	Legislative Compensation Commission (Rules and Operations of the Senate Com).....	311.
S	1093	Legislative Redistricting (Rules and Operations of the Senate Com).....	324.
S	374	Mental Health System Reform (Children & Human Resources Com).....	147, 666, 673.
S	12	Municipal Incorporation Population Estimates (H Ways and Means Com).....	50, 115, 122, 191, 198.
S	15	Personnel Information Not Disclosed to General Assembly Members (H Rules, Calendar, and Operations of the House Com).....	51, 475, 488, 489, 492, 493, 494.
S	798	Senate Redistricting-1C (S.L. 2001-458.).....	271, 1069, 1071, 1257, 1258.

GENERAL ASSEMBLY [G.S. 120] (continued)

S	31	Single-Member Districts (Rules and Operations of the Senate Com)	58.
H	800	Speaker's Appointments (S.L. 2001-163.).....	266, 583, 592, 597, 608, 631, 639.
S	276	Technical Corrections Act-AB (Judiciary I Com)	125.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
S	166	The Studies Act of 2001 (S.L. 2001-491.).....	88, 204, 234, 1416, 1419, 1425.
S	701	Toll Road and Bridge Authority Created (Transportation Com).....	223.

GLOBAL TRANSPARK AUTHORITY [G.S. 63A]

S	829	Government Security Interests Clarified (S.L. 2001-218.).....	275, 393, 421, 653, 691.
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GOINS, CECIL (Sergeant-at-Arms)**GOOD FUNDS SETTLEMENT ACT [G.S. 45A]**

S	790	Good Funds Settlement Act Revisions (S.L. 2001-420.).....	270, 449, 480, 1033, 1039, 1042, 1087.
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GOVERNOR (The Honorable Michael F. Easley)

Appointments—

		State Board of Agriculture.....	1135, 1325. (Mr. Brent Fleming, Mr. Roger D. Oxendine, Mr. C. Osmond Kearney)
		Teacher's and State Employee's Retirement	
		System Board of Trustees.....	1314, 1367. (Chancellor Allen Meadors, Ms. Joyce Elliot, Mr. Norwood Clark, Mr. Michael Dupree)
S	362	Robert L. Powell Confirmation/State Controller (Res. 22.).....	143, 239, 248, 249, 694, 699, 700, 712, 715, 747.
H	990	Members of the State Board of Education.....	534, 645, 651, 652. (Michelle Howard-Vital, Wayne McDevitt, Patricia Willoughby)
H	481	Confirmation of Lorinzo Little Joyner/Utilities Commission (Res. 7.).....	183, 192, 239, 249, 254, 1314, 1367.
S	1101	Utility Commission Appointments/Executive Director Confirmations (Res. 16.).....	498, 578, 584, 594, 631. (James Yancey Kerr II; Michael Satterfield Wilkins; Robert P. Gruber, Executive Director)
		State-of-the-State Address.....	91.

GOVERNOR (The Honorable Michael F. Easley) (continued)

S	2	Gubernatorial Team Ticket (H Rules, Calendar, and Operations of the House Com).....	47, 49, 97, 103, 119.
S	128	Invite the Governor/Address Joint Session (Res. 2.).....	75, 80, 84, 90.
S	441	State School Superintendent Appointed (H Rules, Calendar, and Operations of the House Com).....	160, 369, 383.
S	701	Toll Road and Bridge Authority Created (Transportation Com).....	223.

GRAHAM COUNTY—District 42—Senator Robert C. Carpenter

S	578	Senate District 42 Local Act-3 (Rules and Operations of the Senate Com)	201.
H	108	Counties Collect Delinquent Taxes Before Record Deeds (S.L. 2001-464.).....	182, 191, 703, 717, 777, 814, 1212, 1221, 1247, 1251, 1262.
S	576	Senate District 42 Local Act-1 (Rules and Operations of the Senate Com)	201.
S	577	Senate District 42 Local Act-2 (Rules and Operations of the Senate Com)	201.
S	575	Senate District 42 Local Act-4 (Rules and Operations of the Senate Com)	201.

GRANVILLE COUNTY—District 13—Senator Wib Gulley

Senator Jeanne Hopkins Lucas

S	611	Senate District 13 Local Act-1 (Rules and Operations of the Senate Com)	211.
H	77	Certain Cities and Towns Annexations (S.L. 2001-37.).....	220, 252, 266, 280, 281, 294, 330, 337, 346, 350, 494, 497.
H	108	Counties Collect Delinquent Taxes Before Record Deeds (S.L. 2001-464.).....	182, 191, 703, 717, 777, 814, 1212, 1221, 1247, 1251, 1262.
S	610	Senate District 13 Local Act-2 (Rules and Operations of the Senate Com)	211.
S	612	Senate District 13 Local Act-3 (Rules and Operations of the Senate Com)	211.
S	617	Stovall Election Changes (S.L. 2001-100.).....	212, 359, 371, 564, 572, 575, 583.

GREENE COUNTY—District 8—Senator John H. Kerr, III**GUILFORD COUNTY**—District 12—Senator Philip E. Berger

Senator Virginia Foxx

District 19—Senator Robert G. Shaw

District 31—Senator William N. Martin

District 32—Senator Kay R. Hagan

GUILFORD COUNTY (continued)

H 633 Archdale Doughnut Hole Annexation
(S.L. 2001-39.)..... 257, 440, 456, 487, 494, 497.

S 639 Deep River Heritage Corridor
(H Rules, Calendar, and Operations
of the House Com) 214, 490, 493.

H 163 Furniture Market Improvement Act
(S.L. 2001-11.)..... 192, 239, 244,
253, 266, 276, 281.

S 174 Furniture Market Improvement Act
(Finance Com) 89.

S 239 Greensboro Local Act-1
(Rules and Operations of the Senate Com) 110.

S 240 Greensboro Local Act-2
(Rules and Operations of the Senate Com) 110.

S 388 Greensboro/Public Information/Police Discipline
(Judiciary II Com)..... 153.

H 423 Greensboro/Public Information/Police Discipline
(S.L. 2001-20.)..... 242, 348, 355, 358, 366.

H 618 Taxi Service to Piedmont Triad Airport
(Judiciary I Com) 451.

GULLEY, SENATOR WIB **13th District—Durham**, Granville,

Person (part), Wake (part).

Absent of Leave..... 55, 105, 123, 129, 137, 141, 326, 660,
732 (portion), 806, 880, 896, 900, 914, 946, 963,
1008, 1021, 1024, 1056, 1068, 1086, 1117, 1121, 1152 (portion),
1250, 1293, 1305, 1361 (portion), 1369 (portion), 1376 (portion).

Adjournment Motion—Second 771, 871, 962.

Certificate of Election..... 6.

Committee Assignments—

Conference..... 615, 762, 944, 1049, 1079, 1269.

Standing..... 42, 43, 44, 45, 46.

Escorts—

Honoring Conductor Andre Rafael Smith..... 75.

Duke University Basketball Team 493.

Oath of Office..... 7.

Paired Votes—

S 798 Senate Redistricting-1C 1071.

S 199 Managed Care Patients’ Bill of Rights 1208.

Remarks Spread—

Conductor Andre Rafael Smith..... 76.

S 1078 Improve Air Quality/Electric Utilities 424.

Bills and Resolutions—(Senate Bills)

Primary Sponsor 8, 9, 10, 11, 14, 16, 17, 129, 409, 540, 600,
601, 602, 603, 604, 605, 606, 607, 608, 609,
610, 611, 612, 613, 614, 615, 616, 617, 618,
619, 620, 621, 622, 669, 670, 671, 701, 719,
758, 759, 768, 855, 867, 868, 869, 901, 902,
903, 904, 985, 989, 1001, 1002, 1003, 1054.

GULLEY, SENATOR WIB (continued)

Bills and Resolutions—(Senate Bills) (continued)

Co-Sponsor.....2, 4, 13, 21, 26, 70, 71, 72, 90, 93, 98, 130,
132, 145, 146, 152, 164, 188, 199, 200, 201,
206, 207, 209, 235, 261, 262, 265, 282, 298,
303, 304, 427, 436, 465, 471, 515, 521, 522,
523, 531, 532, 536, 537, 547, 552, 568, 573,
587, 588, 643, 679, 696, 698, 711, 712, 713,
716, 725, 731, 737, 741, 755, 762, 770, 771,
773, 774, 802, 808, 811, 812, 837, 861, 864,
879, 939, 971, 1048, 1074, 1078, 1088, 1096,
1105, 1108.

HAGAN, SENATOR KAY R...... **32nd District—Guilford** (part).

Absent of Leave..... 54, 112, 129, 180, 202, 219, 243, 603, 652, 772, 778, 829,
959, 964 (portion), 1008, 1050, 1068, 1172 (portion), 1382.

Adjournment Motion—Second 283, 603.

Certificate of Election..... 6.

Committee Assignments—

Conference.....749, 762, 1080.

Standing.....42, 43, 44, 45, 51.

Escorts—

President *Pro Tempore*-elect..... 9.

Students from School of Science and Math 57.

Duke University Basketball Team 493.

Oath of Office..... 7.

Paired Votes—

S 61 Continuing Budget Authorization..... 966.

Remarks Spread—

Memorializing Richardson and Emily Preyer..... 923.

S.R. 1105 Honor Americans/2001 Terrorist Attacks 1066.

Bills and Resolutions—(Senate Bills)

Primary Sponsor.....174, 239, 240, 278, 388, 475, 476, 685, 744,
890, 995, 997, 1018, 1023, 1056, 1057, 1070,
1071, 1099.

Co-Sponsor.....2, 12, 13, 21, 69, 90, 94, 95, 96, 130, 170,
175, 176, 181, 187, 206, 281, 282, 300, 301,
372, 373, 438, 441, 502, 537, 541, 573, 679,
711, 713, 723, 739, 754, 755, 757, 770, 828,
854, 883, 887, 898, 905, 933, 938, 945, 947,
990, 991, 992, 996, 1030, 1048, 1049, 1054,
1074, 1078, 1105, 1108.

HALIFAX COUNTY—District 2—Senator Frank W. Ballance, Jr.

District 10—Senator A. B. Swindell IV

H 666 Halifax County Ambulance Services
(State and Local Government Com)..... 350.

S 553 Halifax County Local Act-1
(Rules and Operations of the Senate Com) 195.

H 555 Halifax Regional Airport Authority-"Quick Take"
(S.L. 2001-73.)..... 328, 535, 540, 551, 554, 569.

HALIFAX COUNTY (continued)

S 424 Senate District 10 Local Act-1
(Rules and Operations of the Senate Com) 158.

S 425 Senate District 10 Local Act-2
(Rules and Operations of the Senate Com) 158.

S 423 Senate District 10 Local Act-3
(Rules and Operations of the Senate Com) 158.

S 426 Senate District 10 Local Act-5
(Rules and Operations of the Senate Com) 158.

S 421 Senate District 10 Local Act-6
(Rules and Operations of the Senate Com) 158.

S 336 Various Counties Ambulance Services
(S.L. 2001-106.) 136, 163, 177, 180,
578, 585, 589, 605.

S 551 Weldon Annexation Agreement
(S.L. 2001-425.) 195, 838, 846, 849,
862, 898, 901, 934,
955, 964, 1116, 1117, 1122.

S 677 Weldon Annexations
(S.L. 2001-49.) 219, 282, 293, 331, 522, 528.

HARNETT COUNTY—District 15—Senator Oscar N. Harris

S 655 Coats Corporate Limits
(S.L. 2001-47.) 216, 282, 293, 331, 522, 528.

H 108 Counties Collect Delinquent Taxes Before Record Deeds
(S.L. 2001-464.) 182, 191, 703,
717, 777, 814, 1212,
1221, 1247, 1251, 1262.

H 682 Harnett County Subdivision Definition
(S.L. 2001-50.) 292, 512, 518, 522, 528.

S 338 Harnett Local Sales Tax
(Finance Com) 137.

S 656 Kipling Incorporated
(Finance Com) 216.

S 87 Local Sales Tax/Harnett and Cumberland
(Finance Com) 67.

S 183 Senate District 15 Local Act-1
(Rules and Operations of the Senate Com) 90.

S 182 Senate District 15 Local Act-2
(Rules and Operations of the Senate Com) 90.

S 92 Various Local Occupancy Taxes
(S.L. 2001-439.) 68, 359, 370,
382, 397, 411, 412,
438, 456, 874, 878, 918,
1089, 1118, 1127, 1152, 1218.

S 339 Western Harnett Senior Center Funds
(Appropriations/Base Budget Com) 138.

HARRIS, SENATOR OSCAR N...... **15th District**—Harnett, **Johnston** (part),
Lee (part), Sampson (part).
Absent of Leave.....49, 219, 339 (portion), 660, 946, 966 (portion),
969, 974 (portion), 1008, 1036, 1250, 1282, 1313, 1382.
Adjournment Motion 1282.

HARRIS, SENATOR OSCAR N. (continued)

Certificate of Election..... 6.

Committee Assignments—
 Conference..... 762.
 Standing.....42, 43, 44, 45, 46.

Escorts—
 The Honorable Dennis Wicker, Former Lieutenant Governor..... 99.
 Ray G. Smith, National Commander of the American Legion 634.

Oath of Office..... 7.

Paired Votes—
 S 61 Continuing Budget Authorization 966.

Remarks Spread—
 Memorializing Neil McKay Ross 1055.

Bills and Resolutions—(Senate Bills)
 Primary Sponsor85, 87, 181, 182, 183, 254, 338, 339, 403,
 554, 555, 655, 656, 682, 683, 684, 726, 727,
 728, 816, 933, 1081.
 Co-Sponsor2, 3, 4, 5, 13, 21, 25, 26, 62, 63, 64, 65, 66,
 69, 71, 90, 94, 96, 104, 145, 153, 166, 167,
 173, 177, 178, 179, 180, 199, 261, 282, 299,
 300, 304, 332, 334, 369, 372, 373, 451, 463,
 470, 500, 521, 522, 523, 537, 573, 648, 679,
 680, 708, 723, 744, 751, 755, 768, 770, 774,
 802, 828, 832, 834, 837, 854, 859, 888, 898,
 945, 947, 990, 991, 1013, 1014, 1029, 1030,
 1032, 1049, 1074, 1086, 1105, 1108.

**HARTSELL, SENATOR FLETCHER L., JR. 22nd District—Cabarrus, Rowan (part),
Stanly (part).**

Absent of Leave.....180, 219, 574, 624 (portion), 638, 688, 720,
 752, 778, 829, 900, 949, 1050, 1129, 1282, 1361.

Adjournment Motion—Second 348.

Certificate of Election..... 6.

Committee Assignments—
 Conference..... 667, 700, 734, 746, 814, 1049, 1073, 1256.
 Standing..... 42, 44, 45, 46.

Escorts—
 Deputy President *Pro Tempore*-elect 32.
 The Honorable Dennis Wicker, Former Lieutenant Governor..... 99.
 American Renaissance Charter School Students..... 513.
 Mr. Humpy Wheeler and Mr. Doug Stafford, NASCAR Motor Sports 897.

Oath of Office..... 7.

Paired Votes—
 S 1005 The Appropriations Act of 2001 1083.

Remarks Spread—
 Memorializing Dale Earnhardt 791.

Bills and Resolutions—(Senate Bills)
 Primary Sponsor12, 113, 161, 162, 165, 169, 219, 220, 221,
 222, 223, 224, 225, 237, 238, 255, 256, 257,
 258, 259, 275, 276, 277, 336, 337, 429, 430,
 499, 586, 681, 778, 780, 789, 790, 795, 923,
 1019.

HARTSELL, SENATOR FLETCHER L., JR. (continued)

Bills and Resolutions—(Senate Bills) (continued)

Co-Sponsor.....	2, 4, 5, 9, 13, 23, 31, 90, 94, 95, 96, 119, 120, 121, 122, 123, 142, 143, 144, 160, 206, 211, 228, 242, 261, 262, 281, 282, 283, 285, 300, 301, 303, 304, 329, 372, 378, 389, 390, 398, 401, 402, 409, 450, 451, 463, 521, 522, 523, 531, 532, 537, 541, 542, 573, 585, 679, 680, 687, 696, 705, 713, 719, 733, 744, 764, 770, 771, 792, 800, 801, 807, 815, 827, 837, 843, 853, 854, 859, 861, 867, 880, 883, 887, 905, 924, 933, 939, 980, 1023, 1054, 1071, 1074, 1078, 1088, 1105, 1108.
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HAYWOOD COUNTY—District 29—Senator Dan Robinson

District 42—Senator Robert C. Carpenter

S	578	Senate District 42 Local Act-3 (Rules and Operations of the Senate Com)	201.
H	77	Certain Cities and Towns Annexations (S.L. 2001-37.).....	220, 252, 266, 280, 281, 294, 330, 337, 346, 350, 494, 497.
H	108	Counties Collect Delinquent Taxes Before Record Deeds (S.L. 2001-464.).....	182, 191, 703, 717, 777, 814, 1212, 1221, 1247, 1251, 1262.
H	879	Haywood Fire Tax Districts (S.L. 2001-56.).....	361, 514, 517, 524, 527, 539.
S	591	Haywood Local Sales Tax (Finance Com)	209.
S	576	Senate District 42 Local Act-1 (Rules and Operations of the Senate Com)	201.
S	577	Senate District 42 Local Act-2 (Rules and Operations of the Senate Com)	201.
S	575	Senate District 42 Local Act-4 (Rules and Operations of the Senate Com)	201.

HAZARDOUS WASTE MANAGEMENT COMMISSION [G.S. 130B]

S	920	Environmental Technical Corrections (S.L. 2001-474.).....	302, 443, 470, 1231, 1240, 1253, 1257, 1323.
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HEALTH CARE FACILITIES AND SERVICES [G.S. 131E]

S	714	Amend Certificate of Need (S.L. 2001-242.).....	241, 295, 332, 674, 723.
S	937	Certificate of Need-Adult Care Homes Regulated (S.L. 2001-234.).....	304, 410, 446, 475, 649, 656, 660, 722.
S	911	Competitive Health Care Information (H Health Com).....	301, 390, 421.
S	826	Criminal Record Check Change/Long-Term Care (S.L. 2001-465.).....	274, 390, 421, 1237, 1245, 1251, 1262.

HEALTH CARE FACILITIES AND SERVICES [G.S. 131E] (continued)

H 1002 Hospital Governing Authority
(Judiciary I Com) 395.

H 1001 Hospital Licensure/Critical Access Hospital
(Health Care Com)..... 465.

H 1147 Hospital Temporary Bed Increases
(S.L. 2001-410.).....484, 1032, 1038, 1046, 1057.

S 1021 Hospitals Report ER Visits/Respiratory Complaint
(Health Care Com)..... 315.

S 722 Long-Term Care/Post Staffing
(Health Care Com)..... 250.

H 736 Long-Term Care/Post Staffing
(S.L. 2001-85.).....379, 511, 519, 521, 576.

S 374 Mental Health System Reform
(Children & Human Resources Com) 147, 666, 673.

H 1284 Openness of Court Records and Proceedings
(S.L. 2001-516.).....932, 1313, 1347, 1350, 1360,
1364, 1408, 1410, 1420, 1429.

H 115 Public Conflicts Of Interest
(S.L. 2001-409.).....144, 347, 897, 901,
923, 934, 1027, 1057.

H 453 Regulation of Emergency Medical Services
(S.L. 2001-210.).....431, 597, 608, 614, 639, 690.

S 1063 Regulation of Emergency Medical Services
(Health Care Com)..... 321.

H 338 Technical Corrections Act
(S.L. 2001-487.).....481, 1289, 1293,
1302, 1306, 1345, 1348,
1350, 1354, 1360, 1361,
1364, 1403, 1407, 1417, 1425.

S 1005 The Appropriations Act of 2001
(S.L. 2001-424.).....313, 606, 609, 612,
615, 621, 626, 762, 771,
1073, 1080, 1083, 1085, 1117.

HEALTH CARE FACILITIES FINANCE ACT [G.S. 131A]

S 162 Property Tax Amendments
(S.L. 2001-139.).....88, 141, 149, 151, 160,
578, 586, 594, 596, 632.

**HENDERSON COUNTY—District 29—Senator Dan Robinson
District 42—Senator Robert C. Carpenter**

S 578 Senate District 42 Local Act-3
(Rules and Operations of the Senate Com) 201.

S 948 Nonbetterment Relocation Costs
(Appropriations/Base Budget Com)..... 306, 468.

S 576 Senate District 42 Local Act-1
(Rules and Operations of the Senate Com) 201.

S 577 Senate District 42 Local Act-2
(Rules and Operations of the Senate Com) 201.

S 575 Senate District 42 Local Act-4
(Rules and Operations of the Senate Com) 201.

HERTFORD COUNTY—District 2—Senator Frank W. Ballance, Jr.

H	880	Transfer Bertie Septic Systems/Authorize Fees (S.L. 2001-78.).....	379, 505, 535, 542, 552, 555, 570.
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HIGHER EDUCATION [G.S. 116]

S	308	A&T State, NCCU/New-Masters Of Education (Education/Higher Education Com) (Inc. S.L. 2001-424.).....	132.
H	1144	Board of Governors Election Procedure Revised (S.L. 2001-503.).....	466, 1156, 1172, 1377, 1378, 1383, 1408, 1418, 1427.
H	522	Cumberland Transportation Authority (State and Local Government Com).....	952.
S	803	Encourage Teacher Education/Active Military (S.L. 2001-146.).....	271, 408, 444, 588, 632.
S	627	Liability Insurance for University Students (S.L. 2001-336.).....	213, 468, 491, 824, 832, 834, 887.
S	966	Modify Professional Development Reports/ Education Oversight Study (H Education Com)(Inc. S.L. 2001-424.).....	308, 435, 472.
S	820	NC School of Science & Math/Budget Flexibility (Education/Higher Education Com).....	273.
S	930	North Carolina Science & Math School/Shared Academic Success (Education/Higher Education Com).....	303.
S	573	Parental Trust Fund/Nonresident Participation (S.L. 2001-243.).....	200, 336, 344, 372, 674, 723.
H	623	Public Construction Law Changes (Conference Committee) (Inc. S.L. 2001-496.).....	451, 1014, 1018, 1357, 1359.
S	914	Public Construction Law Changes (S.L. 2001-496.).....	301, 435, 469, 1373, 1375, 1378, 1383, 1415, 1417, 1426.
S	648	Scholar Student/North Carolina Resident (Appropriations/Base Budget Com).....	215.
S	879	School of Science & Math/Budget Flexibility (S.L. 2001-449.).....	289, 353, 364, 373, 1211, 1230.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
S	188	UNC Board of Governors-Student Member (Rules and Operations of the Senate Com).....	98.
S	851	UNC Campus Law Enforcement Jurisdiction (H Education Com).....	285, 369, 381, 421.
S	685	UNC-Greensboro Parking Jurisdiction (H State Government Com).....	221, 333, 386, 399.
H	169	University of North Carolina Board of Governors-Student Member (Rules and Operations of the Senate Com).....	370.

HIGHER EDUCATION [G.S. 116] (continued)

H	972	University of North Carolina Campus Law Enforcement Jurisdiction (S.L. 2001-397.).....	452, 955, 961, 963, 1013.
H	752	University of North Carolina-Greensboro Parking Jurisdiction (S.L. 2001-170.).....	395, 590, 600, 604, 661.

HIGHER EDUCATION BONDS [G.S. 116D]

S	165	Revenue Laws Technical Changes (S.L. 2001-414.).....	88, 190, 440, 457, 487, 1009, 1017, 1022, 1027, 1057.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

HOKE COUNTY—District 17—Senator Aaron W. Plyler
 Senator William R. Purcell
 District 30—Senator David F. Weinstein

S	53	Hoke County Local Act (Rules and Operations of the Senate Com)	61.
S	689	Honoring Founders of Raeford/100th Anniversary (Res. 11.).....	222, 514, 534, 539.
S	48	Senate District 17 Local Act (Rules and Operations of the Senate Com)	61.
S	101	Senate District 17 Local Act-1 (Rules and Operations of the Senate Com)	69.
S	100	Senate District 17 Local Act-2 (Rules and Operations of the Senate Com)	69.
S	102	Senate District 17 Local Act-3 (Rules and Operations of the Senate Com)	70.
S	99	Senate District 17 Local Act-4 (Finance Com)	69, 373.
S	192	Senate District 30 Local Act-1 (Rules and Operations of the Senate Com)	101.
S	193	Senate District 30 Local Act-2 (Rules and Operations of the Senate Com)	101.
S	194	Senate District 30 Local Act-3 (Rules and Operations of the Senate Com)	101.

HORTON, SENATOR HAMILTON C., JR. **20th District—Forsyth** (part).

Absent of Leave.....	65, 71, 103 (portion), 885, 896, 900, 932, 937, 1008, 1012, 1021, 1024, 1409 (portion).
Adjournment Motion—Second	80, 120, 208, 403, 595, 659, 1378.
Certificate of Election.....	6.
Committee Assignments—	
Conference.....	601, 720, 944, 1260, 1364.
Standing.....	42, 43, 44, 45, 46.
Escorts—	
Deputy President <i>Pro Tempore</i> -elect.....	32.
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S	311	Housing Finance Agency Bonds (S.L. 2001-181.).....	133, 344, 355, 625, 662.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.

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H	897	Triangle Native American Society Appointments (S.L. 2001-318.).....	432, 773, 793, 824, 855.

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**INDUSTRIAL AND POLLUTION CONTROL FACILITIES POOL PROGRAM
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S	829	Government Security Interests Clarified (S.L. 2001-218.).....	275, 393, 421, 653, 691.
S	709	Industrial/Pollution Control Facilities Finance (Finance Com)	241.
S	1015	Industrial/Pollution Control Facilities Finance (Finance Com)	314.

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S 767 Information Technology Training Tax Credit
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S 866 Persons With Disabilities Changes
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H 387 Developmentally Disabled Group Homes Regulation
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S 722 Long-Term Care/Post Staffing
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S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.

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H	164	Accident Prevention Course Reduction (S.L. 2001-423.).....	481, 1018, 1022, 1046, 1088.
H	232	Budget Revenue Provisions (S.L. 2001-427.).....	719, 967, 1015, 1023, 1027, 1036, 1043, 1077, 1131.
S	817	Building Code Revisions (S.L. 2001-324.).....	273, 408, 440, 766, 775, 780, 850, 851, 853, 873.
H	760	Cancer Insurance/ Wellness Benefit Rider (Insurance and Consumer Protection Com)	379.
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H	1105	Insurance Technical Corrections (Insurance and Consumer Protection Com)	465.
S	218	Managed Care Entity External Review (Insurance and Consumer Protection Com)	108.
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S	199	Managed Care Patients' Bill Of Rights (S.L. 2001-446.)(Inc. S.L. 2001-424.).....	105, 471, 477, 1007, 1011, 1013, 1030, 1174, 1213, 1217, 1228.
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S	899	Motor Vehicle Glass Repairs (Rules and Operations of the Senate Com)	300, 434.
H	13	Motor Vehicle Repairs (S.L. 2001-451.) (Inc. S.L. 2001-491.).....	436, 1142, 1166, 1227, 1234.
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H	1045	Restore Workers' Compensation Stability (S.L. 2001-216.).....	452, 619, 627, 653, 691.
S	325	Risk Sharing Plan Sunset Repeal (Insurance and Consumer Protection Com)	135.
H	352	Risk Sharing Plan Sunset Repeal (S.L. 2001-122.).....	192, 557, 565, 568, 617.
H	355	State Building Code Changes (S.L. 2001-421.).....	379, 816, 826, 831, 890, 919, 1025, 1034, 1040, 1042, 1087.
S	822	State Self-Funded Health Care Plan (H Appropriations Com)	274, 1081, 1115, 1118.
H	1266	Surgical Nurses/3rd Party Payment (Rules and Operations of the Senate Com)	503, 509.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
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S	815	Mortgage Amortization Charts (S.L. 2001-340.).....	273, 467, 491, 824, 832, 834, 888.
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H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

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H	1099	Substitute Letter of Credit for Surety Bond (Judiciary I Com)	395.
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S	35	Mecklenburg/Iredell Boundary Correction/ Swansboro Sidewalks (S.L. 2001-429.).....	58, 1035, 1047, 1052, 1059, 1171, 1210.
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S	578	Senate District 42 Local Act-3 (Rules and Operations of the Senate Com)	201.
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S	576	Senate District 42 Local Act-1 (Rules and Operations of the Senate Com)	201.
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JOHNSTON COUNTY—District 11—Senator Allen H. Wellons

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S	328	Senate District 11 Local Act-2 (Rules and Operations of the Senate Com)	135.
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S	624	Senate District 14 Local Act (Rules and Operations of the Senate Com)	213.
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S 20 Additional Investigatorial Assistant
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S 1008 Ban Video Poker/Smaller Counties
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H	844	Divide District Court District 11 Judges' Residency (S.L. 2001-400.).....	501, 507, 903, 917, 930, 959, 1013.
S	579	Eliminate Superior Court Judgeship/District 4B (Judiciary II Com).....	201.
S	940	Eliminate Trial de Novo From District Court (Judiciary I Com).....	305.
S	93	En Banc Procedure (H Judiciary II Com).....	68, 407, 438.
S	887	Expand Magistrates' Authority (H Rules, Calendar, and Operations of the House Com).....	290, 369, 382, 417, 445, 469.
S	279	Family Drug Treatment Court Program (Appropriations/Base Budget Com) (Inc. S.L. 2001-424.).....	125, 408.
S	94	Implement Four-Year Terms and Session Limits (H Rules, Calendar, and Operations of the House Com).....	68, 417, 439.
H	1397	Increase Service of Process Fee (Finance Com).....	654.
S	787	Judicial Appointment/Voter Retention (H Judiciary II Com).....	269, 347, 407, 442, 444.
S	883	Judicial Appointment/Voter Retention (Judiciary I Com).....	289.
S	696	Judicial Longevity (Appropriations/Base Budget Com).....	223.
S	1087	Judicial Longevity (Appropriations/Base Budget Com).....	324.
S	536	Legal Services Funding (Appropriations/Base Budget Com) (Inc. S.L. 2001-424.).....	188.
H	1284	Openness of Court Records and Proceedings (S.L. 2001-516.).....	932, 1313, 1347, 1350, 1360, 1364, 1408, 1410, 1420, 1429.
S	951	Prevent Unnecessary Filing of Briefs (S.L. 2001-388.).....	306, 376, 400, 931, 936, 938, 970.
S	476	Realignment of Various Superior Court Judge Districts (S.L. 2001-333.).....	173, 403, 461, 478, 811, 820, 828, 829, 887.
S	109	Require Experience For Death Penalty Cases (S.L. 2001-392.).....	72, 373, 406, 441, 937, 970.
H	668	Settlement Procedures in District Court Actions (S.L. 2001-320.).....	350, 668, 814, 819, 820, 823, 855.
S	752	State Judicial Council Membership (H Judiciary II Com).....	260, 376, 399.
H	902	State Judicial Council Membership (S.L. 2001-96.).....	437, 529, 536, 538, 577.

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S	718	Supreme Court Rule Making (H Rules, Calendar, and Operations of the House Com)	242, 369, 385.
H	338	Technical Corrections Act (S.L. 2001-487.)	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.)	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
H	1070	Trustees and Estate Law Changes (S.L. 2001-413.)	889, 956, 1047, 1049, 1057.

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S	996	Amend Grounds for Termination of Parental Rights (Judiciary II Com)	312.
H	274	Amend Juvenile Justice Terminology (S.L. 2001-95.)	336, 529, 536, 538, 577.
H	142	Amend Marriage Statutes (S.L. 2001-62.)	265, 376, 388, 392, 430, 446, 472, 511, 548.
S	935	Appointment of Juvenile Counsel (Appropriations/Base Budget Com)	304, 470, 486.
S	68	Criminal Justice Standards Commission Change (S.L. 2001-490.)	63, 237, 247, 344, 435, 457, 669, 679, 687, 693, 1412, 1413, 1416, 1419, 1425.
S	876	Day Reporting Centers (S.L. 2001-179.)	288, 409, 445, 625, 662.
H	375	Department of Social Services Changes (S.L. 2001-208.)	431, 571, 580, 585, 593, 602, 614, 639, 690.
S	331	Department Social Services Changes 1 (Children & Human Resources Com)	135.
S	95	DNA Samples on Arrest (Judiciary I Com)	69, 83, 120.
H	93	Expand Child Abuse Definition (Judiciary II Com)	451.
S	252	Infant Homicide Prevention Act (Judiciary II Com)	115, 123.
H	275	Infant Homicide Prevention Act (S.L. 2001-291.)	451, 737, 749, 751, 752, 769, 802, 830.
S	280	Law Enforcement Protection For Social Workers (H Judiciary II Com)	126, 455, 476, 477.
S	374	Mental Health System Reform (Children & Human Resources Com)	147, 666, 673.
H	1083	Secure Custody of Juveniles Using Weapons (S.L. 2001-158.)	453, 531, 543, 544, 553, 575, 633.

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H 338 Technical Corrections Act
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 H 275 Infant Homicide Prevention Act 752.
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 H 623 Public Construction Law Changes
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S 280 Law Enforcement Protection For Social Workers
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H 335 Seized Firearms/Official Law Enforcement Use
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S 851 UNC Campus Law Enforcement Jurisdiction
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S 295 Senate District 16 Local Act-2
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District 8—Senator John H. Kerr, III
District 9—Senator Ed N. Warren

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S	196	Senate District 9 Local Act-1 (Rules and Operations of the Senate Com)	102.
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S	599	Children's Internet Safety-Net (Judiciary I Com)	210.
S	1032	Minors' Internet Access (H Rules, Calendar, and Operations of the House Com)	316, 474, 478.

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S	1030	Audubon North Carolina Special Registration Plates (Finance Com)	316.
S	962	Blue Ridge Parkway Foundation License Plate (Finance Com)	308.
S	91	Dealer Plate Changes (S.L. 2001-212.)	68, 278, 295, 344, 372, 628, 635, 641, 643, 690.
S	3	Desert Storm License Plate (S.L. 2001-40.)	47, 49, 120, 122, 346, 356, 358, 497.
H	759	Harley Owners' Group License Plate (Finance Com)	621.
H	1389	Retired Magistrates/Combat Infantry Badge Recipients Registration Plate (S.L. 2001-483.)	649, 1255, 1267, 1273, 1305, 1418.
H	110	Various New Special License Plates (S.L. 2001-498.)	606, 1052, 1060, 1069, 1224, 1225, 1289, 1300, 1322, 1426.
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S	904	Enact Mortgage Lending Act (S.L. 2001-393.)	300, 842, 846, 850, 952, 957, 961, 963, 974.
S	908	Homebuilder Responsibility (Judiciary I Com)	301.
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S	1064	Mortgage Lending Act (Commerce Com).....	321.
S	888	Nonresident License Fees (S.L. 2001-91.).....	290, 393, 401, 402, 532, 577.
S	395	Plumbing and Heating Contractors (S.L. 2001-270.).....	154, 267, 584, 591, 607, 622, 733, 740, 751, 763, 784.
H	635	Regulate Body Piercing (Finance Com)	1083, 1142.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
H	359	Viatical Settlements Rewrite (S.L. 2001-436.).....	931, 975, 1052, 1058, 1078, 1082, 1146, 1216.
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S	118	Medical Treatment by Internet/Toll-Free Number (S.L. 2001-27.).....	74, 145, 151, 161, 329, 338, 342, 405.
S	1072	Mental Health Practitioner Act (Health Care Com).....	322.
S	1062	Substance Abuse Professionals (S.L. 2001-370.).....	320, 703, 788, 795, 804, 886, 950.

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S	818	Action on Construction Payment Bond (Judiciary I Com)	273.
H	71	Clay County Ambulance Service Lien (Finance Com)	128.
S	780	Physicians' Liens Statutes Amended (S.L. 2001-377.).....	269, 406, 442, 874, 883, 886, 951.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

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S	2	Gubernatorial Team Ticket (H Rules, Calendar, and Operations of the House Com)	47, 49, 97, 103, 119.
S	682	Increase Veterinary Board Membership (Rules and Operations of the Senate Com)	221.

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S	234	Annual Report Filing Requirement Notice (Appropriations/Base Budget Com).....	110, 750.
S	842	Business Entity Changes (S.L. 2001-387.).....	284, 603, 737, 749, 931, 935, 943, 946, 969.
S	337	Consolidate Business Provisions (Judiciary I Com)	136.
H	385	Consolidate Business Provisions (S.L. 2001-358.).....	345, 767, 788, 797, 881, 922.
H	1073	Register of Deeds/Business Reinstatement (S.L. 2001-390.).....	699, 884, 890, 912, 917, 950, 970.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
H	1070	Trustees and Estate Law Changes (S.L. 2001-413.).....	889, 956, 1047, 1049, 1057.

LINCOLN COUNTY—District 25—Senator David W. Hoyle
District 26—Senator Austin M. Allran
District 34—Senator T. LaFontine Odom, Sr.
District 39—Senator James Forrester

S	127	Lincoln County Local Act (Rules and Operations of the Senate Com)	78.
S	558	Lincolnton Occupancy Tax (Finance Com)	199.
S	92	Various Local Occupancy Taxes (S.L. 2001-439.).....	68, 359, 370, 382, 397, 411, 412, 438, 456, 874, 878, 918, 1089, 1118, 1127, 1152, 1218.
S	24	West Norman Incorporation (House Failed 2nd Reading).....	55, 129, 140, 166, 177, 181.

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S	450	Abolish Paid Lobbyists/Public Relations Persons in State Government (Appropriations/Base Budget Com).....	165.
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S	773	Education Opportunity and Excellence Act of 2001 (Finance Com)(Inc. S.L. 2001-424.).....	263.
S	920	Environmental Technical Corrections (S.L. 2001-474.).....	302, 443, 470, 1231, 1240, 1253, 1257, 1323.
S	1056	Financial Oversight for Housing Authorities (S.L. 2001-206.).....	320, 386, 400, 629, 637, 639, 690.
H	1219	Financial Oversight for Housing Authorities (Finance Com)	485.
S	941	Housing Authority Budgeting/Accounting (Finance Com)	305.
H	42	Property Tax Homestead Exclusion (S.L. 2001-308.).....	245, 702, 713, 819, 820, 821, 828, 854.
S	165	Revenue Laws Technical Changes (S.L. 2001-414.).....	88, 190, 440, 457, 487, 1009, 1017, 1022, 1027, 1057.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

LOCKSMITH LICENSING ACT [G.S. 74F]

H	942	Locksmith Licensure (S.L. 2001-369.).....	779, 817, 857, 868, 877, 914, 950.
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MACON COUNTY—District 29—Senator Dan Robinson

District 42—Senator Robert C. Carpenter

S 578 Senate District 42 Local Act-3
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S	375	Senate District 28 Local Act-2 (Rules and Operations of the Senate Com)	147.
S	597	Senate District 28 Local Act-3 (Rules and Operations of the Senate Com)	210.
S	377	Senate District 28 Local Act-4 (Rules and Operations of the Senate Com)	148.
S	598	Senate District 28 Local Act-5 (Rules and Operations of the Senate Com)	210.
S	674	Senate District 28 Local Act-6 (Rules and Operations of the Senate Com)	218.
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H	477	Repeal Marion Firemen's Supplemental Retirement Fund (S.L. 2001-21.)	277, 343, 354, 358, 366.
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S	375	Senate District 28 Local Act-2 (Rules and Operations of the Senate Com)	147.
S	597	Senate District 28 Local Act-3 (Rules and Operations of the Senate Com)	210.
S	377	Senate District 28 Local Act-4 (Rules and Operations of the Senate Com)	148.
S	598	Senate District 28 Local Act-5 (Rules and Operations of the Senate Com)	210.
S	674	Senate District 28 Local Act-6 (Rules and Operations of the Senate Com)	218.
S	672	Senate District 28 Local Act-7 (Rules and Operations of the Senate Com)	218.

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District 34—Senator T. LaFontine Odom, Sr.

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S	406	Charlotte Tort Claims (Rules and Operations of the Senate Com)	155.
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S	626	Domestic Violence Fatality Review Team (H Rules, Calendar, and Operations of the House Com)(Inc. S.L. 2001-491.)	213, 463, 478.
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H	671	Matthews Annexation (S.L. 2001-103.)	257, 535, 540, 550, 579, 582, 589.
H	504	Matthews Property Lease (S.L. 2001-102.)	394, 546, 558, 582, 589.
H	695	Mecklenburg County Zoning Sunset Repealed (S.L. 2001-275.)	292, 795, 803, 805, 807.
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S 160 Amend Good Samaritan Law/Medical Care
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H 1362 Advance Health Care Directives Registry
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H 857 Area Mental Health Background Check
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S 374 Mental Health System Reform
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H 261 State Veterans Home Act Amended
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H 110 Various New Special License Plates
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H	804	County School Acquisition (S.L. 2001-76.).....	495, 535, 541, 552, 555, 570.
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S	19	Honoring Founders/Biscoe/Centennial Anniversary (Res. 1.).....	53, 56, 63, 66.
S	47	Montgomery County Local Act (Rules and Operations of the Senate Com)	61.
S	603	Navassa/Cary Changes/Montgomery County Airport Leases (S.L. 2001-485.).....	210, 238, 247, 1376, 1382, 1418.
H	685	Occupancy Tax for Certain Counties (S.L. 2001-434.).....	836, 899, 912, 916, 929, 958, 967, 1156, 1172, 1213, 1215.
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S	639	Deep River Heritage Corridor (H Rules, Calendar, and Operations of the House Com)	214, 490, 493.
S	54	Moore County Local Act (Rules and Operations of the Senate Com)	61.
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NASH COUNTY—District 10—Senator A. B. Swindell IV

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H	583	Modify Nash Occupancy Tax (S.L. 2001-349.).....	830, 884, 890, 897, 902, 921.
H	658	Rocky Mount Police Officer Residency (State and Local Government Com).....	451.
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 District 18—Senator R. C. Soles

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S	842	Business Entity Changes (S.L. 2001-387.)	284, 603, 737, 749, 931, 935, 943, 946, 969.
S	337	Consolidate Business Provisions (Judiciary I Com)	136.
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S 1005 The Appropriations Act of 2001
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H 1070 Trustees and Estate Law Changes
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H 1270 Eastern Band of Cherokees' Full Faith and Credit
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ONSLOW COUNTY—District 4—Senator Patrick J. Ballantine
 District 5—Senator Charles W. Albertson
 District 7—Senator Luther Henry Jordan, Jr.

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S	35	Mecklenburg/Iredell Boundary Correction/ Swansboro Sidewalks (S.L. 2001-429.).....	58, 1035, 1047, 1052, 1059, 1171, 1210.
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H	7	Worthless Check Program Amended (S.L. 2001-61.).....	436, 529, 534, 539, 548.

ORANGE COUNTY—District 16—Senator Eleanor Kinnaird
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S	657	Chapel Hill Annexations (S.L. 2001-348.).....	217, 814, 817, 825, 832, 902, 920.
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S	92	Various Local Occupancy Taxes (S.L. 2001-439.).....	68, 359, 370, 382, 397, 411, 412, 438, 456, 874, 878, 918, 1089, 1118, 1127, 1152, 1218.

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PAMLICO COUNTY—District 3—Senator Scott Thomas

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S	383	Senate District 3 Local Act-1 (Rules and Operations of the Senate Com)	152.
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S	842	Business Entity Changes (S.L. 2001-387.).....	284, 603, 737, 749, 931, 935, 943, 946, 969.
S	337	Consolidate Business Provisions (Judiciary I Com)	136.
H	385	Consolidate Business Provisions (S.L. 2001-358.).....	345, 767, 788, 797, 881, 922.
H	1073	Register of Deeds/Business Reinstatement (S.L. 2001-390.).....	699, 884, 890, 912, 917, 950, 970.

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H	1070	Trustees and Estate Law Changes (S.L. 2001-413.).....	889, 956, 1047, 1049, 1057.

PASQUOTANK COUNTY—District 1—Senator Marc Basnight

H	196	Bid Law Flexibility/Pinehurst/Elizabeth City (S.L. 2001-66.).....	242, 517, 524, 547, 555.
H	108	Counties Collect Delinquent Taxes Before Record Deeds (S.L. 2001-464.).....	182, 191, 703, 717, 777, 814, 1212, 1221, 1247, 1251, 1262.
H	636	Elizabeth City Charter Revised (S.L. 2001-227.).....	523, 567, 570, 680, 685, 695, 698, 701.
H	880	Transfer Bertie Septic Systems/Authorize Fees (S.L. 2001-78.).....	379, 505, 535, 542, 552, 555, 570.

**PENDER COUNTY—District 4—Senator Patrick J. Ballantine
District 5—Senator Charles W. Albertson
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S	29	Corning Access Bridge NC 132 (S.L. 2001-1.).....	58, 102, 103, 124, 150.
S	380	County Road Names (S.L. 2001-145.).....	148, 393, 419, 588, 632.
S	1098	Outdoor Advertising Along I-40 (H Environment and Natural Resources Com)	325, 410, 439, 472, 492, 494.
S	837	Repeal Highway Use Tax Transfer-3 yrs (Appropriations/Base Budget Com).....	276, 620.
S	701	Toll Road and Bridge Authority Created (Transportation Com).....	223.

ROADS AND HIGHWAYS [G.S. 136]

H	114	American Ex-Prisoners of War Highway (S.L. 2001-196.).....	128, 619, 627, 631, 684.
S	438	Clarify Public Vehicular Area (S.L. 2001-441.).....	159, 675, 818, 826, 1122, 1131, 1136, 1149, 1152, 1218.
S	901	DOT Cash Management (H Appropriations Com) (Inc. S.L. 2001-424.).....	300, 694, 703, 708, 718.
S	847	DOT-Pay Nonbetterment/Maintenance Projects (Appropriations/Base Budget Com).....	285, 468.

ROADS AND HIGHWAYS [G.S. 136] (continued)

H 460 Driving While Impaired Roadside Memorial Markers
(Appropriations/Base Budget Com)..... 500, 507.

H 1006 Environmental Report Consolidation
(S.L. 2001-452.).....483, 1130, 1136, 1226, 1235.

S 1034 Environmental Report Consolidation
(H Environment and Natural Resources Com)..... 317, 443, 472.

S 148 Law Officers Memorial Signs
(H Transportation Com)..... 84, 102, 118.

S 948 Nonbetterment Relocation Costs
(Appropriations/Base Budget Com)..... 306, 468.

S 474 North Carolina Toll Road and Bridge Authority
(Finance Com) 173, 278.

S 1038 Public Right-of-Way Declaration
(S.L. 2001-501.)..... 317, 467, 492,
1328, 1348, 1362, 1427.

H 76 Purple Heart Memorial Highway
(Transportation Com)..... 816.

H 1073 Register of Deeds/Business Reinstatement
(S.L. 2001-390.)..... 699, 884, 890,
912, 917, 950, 970.

S 1014 Strengthen Littering Laws
(S.L. 2001-512.)..... 314, 334, 359,
381, 422, 445, 475,
874, 882, 890, 899, 900,
915, 1323, 1348, 1353, 1362, 1429.

H 338 Technical Corrections Act
(S.L. 2001-487.).....481, 1289, 1293,
1302, 1306, 1345, 1348,
1350, 1354, 1360, 1361,
1364, 1403, 1407, 1417, 1425.

S 1005 The Appropriations Act of 2001
(S.L. 2001-424.).....313, 606, 609, 612,
615, 621, 626, 762, 771,
1073, 1080, 1083, 1085, 1117.

S 701 Toll Road and Bridge Authority Created
(Transportation Com)..... 223.

S 206 Tourist Directional Sign Program
(S.L. 2001-383.).....106, 278, 296, 297, 338,
341, 931, 935, 942, 946, 969.

S 731 Transportation Planning
(S.L. 2001-168.)..... 257, 393, 420,
592, 601, 604, 661.

S 249 Trust Fund Transfers Allowed
(H Transportation Com).....113, 457, 468, 489.

ROBESON COUNTY—District 30—Senator David F. Weinstein

H 77 Certain Cities and Towns Annexations
(S.L. 2001-37.)..... 220, 252, 266, 280, 281, 294,
330, 337, 346, 350, 494, 497.

S 190 City of Lumberton Local Act-1
(Rules and Operations of the Senate Com) 101.

ROBESON COUNTY (continued)

S	191	City of Lumberton Local Act-2 (Rules and Operations of the Senate Com)	101.
H	47	Fairmont Private Sale (S.L. 2001-2.).....	128, 151, 160, 162, 179.
H	86	Rennert Mayor (S.L. 2001-3.).....	130, 163, 177, 181, 190.
S	192	Senate District 30 Local Act-1 (Rules and Operations of the Senate Com)	101.
S	193	Senate District 30 Local Act-2 (Rules and Operations of the Senate Com)	101.
S	194	Senate District 30 Local Act-3 (Rules and Operations of the Senate Com)	101.

ROBINSON, SENATOR DAN29th District—Haywood (part), Henderson (part),
Jackson (part), Macon (part),
Swain, Transylvania (part).

Absent of Leave.....	65 (portion), 747, 1008, 1129, 1270 (portion), 1409 (portion).
Adjournment Motion—Second	199, 235, 1151, 1209.
Certificate of Election.....	6.
Committee Assignments—	
Conference.....	771, 1260.
Standing.....	42, 43, 44, 45, 46.
Escorts—	
Principal Clerk-elect	35.
McDonald’s All-American High School Basketball Team.....	231.
Oath of Office.....	7.
Bills and Resolutions—(Senate Bills)	
Primary Sponsor.....	299, 465, 591, 592, 888, 1021, 1022, 1046, 1047.
Co-Sponsor.....	2, 13, 21, 22, 69, 71, 72, 90, 94, 95, 96, 130, 131, 152, 153, 170, 181, 197, 199, 206, 252, 261, 282, 301, 304, 372, 373, 451, 470, 478, 521, 537, 573, 648, 680, 708, 713, 739, 744, 751, 755, 768, 770, 774, 802, 837, 854, 859, 872, 898, 933, 939, 942, 1031, 1048, 1074, 1105, 1108.

ROCKINGHAM COUNTY—District 12—Senator Philip E. Berger
Senator Virginia Foxx

S	504	Eden Local Act (Rules and Operations of the Senate Com)	184.
H	719	Mayodan Satellite Annexation (S.L. 2001-405.).....	345, 952, 958, 961, 964, 1047, 1050.
S	510	Rockingham County Local Act (Rules and Operations of the Senate Com)	185.
S	518	Rockingham County Local Act (Rules and Operations of the Senate Com)	186.
S	336	Various Counties Ambulance Services (S.L. 2001-106.).....	136, 163, 177, 180, 578, 585, 589, 605.

ROCKINGHAM COUNTY (continued)

H 7 Worthless Check Program Amended
(S.L. 2001-61.).....436, 529, 534, 539, 548.

ROWAN COUNTY—District 22—Senator Fletcher L. Hartsell, Jr.
District 23—Senator Cal Cunningham
District 38—Senator Stan Bingham

H 910 Certain Municipalities Clear-Cutting
(S.L. 2001-191.).....483, 637, 641, 668, 674.
S 429 Rowan County Local Act-1
(Rules and Operations of the Senate Com) 158.
S 430 Rowan County Local Act-2
(Rules and Operations of the Senate Com) 159.
H 321 Salisbury Annexations
(S.L. 2001-72.)..... 451, 535, 540, 551, 554, 569.
S 222 Senate District 22 Local Act
(Rules and Operations of the Senate Com) 109.
S 445 Senate District 23 Local Act
(Rules and Operations of the Senate Com) 164.
S 444 Senate District 23 Local Act-2
(Rules and Operations of the Senate Com) 164.
S 443 Senate District 23 Local Act-3
(Rules and Operations of the Senate Com) 164.
S 442 Senate District 23 Local Act-4
(Rules and Operations of the Senate Com) 164.
S 455 Senate District 38 Local Act-1
(Rules and Operations of the Senate Com) 165.
S 457 Senate District 38 Local Act-2
(Rules and Operations of the Senate Com) 166.
S 456 Senate District 38 Local Act-3
(Rules and Operations of the Senate Com) 165.
S 454 Senate District 38 Local Act-4
(Rules and Operations of the Senate Com) 165.
S 92 Various Local Occupancy Taxes
(S.L. 2001-439.).....68, 359, 370, 382,
397, 411, 412, 438,
456, 874, 878, 918,
1089, 1118, 1127, 1152, 1218.

RUCHO, SENATOR ROBERT A......**35th District—Mecklenburg** (part).

Absent of Leave..... 123, 236, 545, 652, 753 (portion), 778,
834 (portion), 853 (portion), 969, 1008, 1024,
1080, 1129, 1282, 1284 (portion), 1293, 1313,
1346 (portion), 1348 (portion), 1376 (portion), 1382.
Adjournment Motion—Second 581, 700, 805, 1022, 1067, 1073.
Certificate of Election..... 6.
Committee Assignments—
Standing.....42, 43, 44, 45, 46.
Escorts—
American Renaissance Charter School Students..... 513.
Oath of Office..... 7.

RUCHO, SENATOR ROBERT A. (continued)

Paired Votes—

S 824 State Health Plan Changes.....	761.
S 1005 The Appropriations Act of 2001	1083.

Remarks Spread—

Memorializing Founders, Town of Biscoe.....	65.
S 1078 Improve Air Quality/Electric Utilities	424, 425.

Bills and Resolutions—(Senate Bills)

Primary Sponsor	120, 214, 215, 479, 640, 838, 839, 840, 1074, 1075.
Co-Sponsor	2, 5, 23, 31, 94, 95, 96, 121, 132, 160, 199, 227, 228, 282, 283, 285, 300, 398, 399, 402, 446, 450, 521, 522, 523, 524, 537, 542, 589, 590, 679, 680, 688, 701, 705, 708, 768, 770, 771, 772, 805, 837, 854, 859, 867, 893, 938, 939, 978, 1012, 1044, 1078, 1086, 1105, 1108.

RULES OF CIVIL PROCEDURE [G.S. 1A]

S 416 Amend Rule 68 Offer of Judgment (H Judiciary II Com).....	156, 470, 489.
S 417 Amend Rule 9(j) (Judiciary I Com)	156.
S 419 Civil Procedure Rule Changes (Judiciary I Com)	157.
H 439 Civil Procedure Rule Changes (S.L. 2001-379.).....	336, 873, 883, 920, 951.
S 21 HMO Patient Protection (Insurance and Consumer Protection Com)	53, 54, 82.
S 199 Managed Care Patients' Bill Of Rights (S.L. 2001-446.)(Inc. S.L. 2001-424.).....	105, 471, 477, 1007, 1011, 1013, 1030, 1174, 1213, 1217, 1228.
S 951 Prevent Unnecessary Filing of Briefs (S.L. 2001-388.).....	306, 376, 400, 931, 936, 938, 970.
H 434 Rule 9(j) Amended (S.L. 2001-121.).....	482, 556, 565, 569, 617.

RUTHERFORD COUNTY—District 37—Senator Walter H. Dalton

S 381 Bostic Corporate Limits (S.L. 2001-43.).....	148, 198, 207, 232, 521, 527.
H 77 Certain Cities and Towns Annexations (S.L. 2001-37.).....	220, 252, 266, 280, 281, 294, 330, 337, 346, 350, 494, 497.
S 584 Rutherfordton ABC Distributions (S.L. 2001-188.).....	208, 282, 294, 654, 663.
S 112 Senate District 37 Local Act-1 (Rules and Operations of the Senate Com)	73.
S 111 Senate District 37 Local Act-2 (Rules and Operations of the Senate Com)	73.

RUTHERFORD COUNTY (continued)

S	110	Senate District 37 Local Act-3 (Rules and Operations of the Senate Com)	73.
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SALARIES, FEES AND ALLOWANCES [G.S. 138]

S	1005	The Appropriations Act of 2001 (S.L. 2001-424.)	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
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SAMPSON COUNTY—District 5—Senator Charles W. Albertson
 District 15—Senator Oscar N. Harris
 District 30—Senator David F. Weinstein

S	183	Senate District 15 Local Act-1 (Rules and Operations of the Senate Com)	90.
S	182	Senate District 15 Local Act-2 (Rules and Operations of the Senate Com)	90.
S	192	Senate District 30 Local Act-1 (Rules and Operations of the Senate Com)	101.
S	193	Senate District 30 Local Act-2 (Rules and Operations of the Senate Com)	101.
S	194	Senate District 30 Local Act-3 (Rules and Operations of the Senate Com)	101.
S	89	Senate District 5 Local Act-1 (Rules and Operations of the Senate Com)	68.
S	86	Senate District 5 Local Act-2 (Finance Com)	67, 820.
S	88	Senate District 5 Local Act-3 (Rules and Operations of the Senate Com)	68.

SAVINGS AND LOAN ASSOCIATIONS [G.S. 54B]

H	1098	Amend Deposit Account Law (S.L. 2001-267.)	453, 731, 739, 747, 783.
H	385	Consolidate Business Provisions (S.L. 2001-358.)	345, 767, 788, 797, 881, 922.
H	1113	Financial Records Kept Confidential (Judiciary I Com)	453, 849, 856, 862.
S	764	Reorganize Savings Institution Division (Commerce Com)	261.
H	803	Reorganize Savings Institutions Division (S.L. 2001-193.)	431, 640, 647, 653, 675.
H	338	Technical Corrections Act (S.L. 2001-487.)	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

SAVINGS BANKS [G.S. 54C]

H	1098	Amend Deposit Account Law (S.L. 2001-267.)	453, 731, 739, 747, 783.
H	385	Consolidate Business Provisions (S.L. 2001-358.)	345, 767, 788, 797, 881, 922.

SAVINGS BANKS [G.S. 54C] (continued)

H	1113	Financial Records Kept Confidential (Judiciary I Com)	453, 849, 856, 862.
S	764	Reorganize Savings Institution Division (Commerce Com).....	261.
H	803	Reorganize Savings Institutions Division (S.L. 2001-193.).....	431, 640, 647, 653, 675.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

SCOTLAND COUNTY—District 17—Senator Aaron W. Plyler

Senator William R. Purcell

S	663	Laurinburg Fiber Optic Cable Network (Finance Com)	217.
S	464	Laurinburg Local Act-1 (Finance Com)	171, 266.
S	467	Laurinburg Local Act-2 (Rules and Operations of the Senate Com)	172.
S	49	Scotland County Local Act (Rules and Operations of the Senate Com)	61.
S	503	Scotland County Local Act-1 (Rules and Operations of the Senate Com)	184.
S	501	Scotland County Local Act-2 (Rules and Operations of the Senate Com)	184.
S	48	Senate District 17 Local Act (Rules and Operations of the Senate Com)	61.
S	101	Senate District 17 Local Act-1 (Rules and Operations of the Senate Com)	69.
S	100	Senate District 17 Local Act-2 (Rules and Operations of the Senate Com)	69.
S	102	Senate District 17 Local Act-3 (Rules and Operations of the Senate Com)	70.
S	99	Senate District 17 Local Act-4 (Finance Com)	69, 373.

SECRETARY OF STATE

S	140	Ad Hoc Community Collections Reported (H Rules, Calendar, and Operations of the House Com)	81, 619, 1155, 1171, 1172, 1173.
H	1362	Advance Health Care Directives Registry (S.L. 2001-455.).....	971, 1022, 1058, 1071, 1227, 1235.
S	152	Amend Marriage Statutes (Judiciary I Com)	86.
S	234	Annual Report Filing Requirement Notice (Appropriations/Base Budget Com).....	110, 750.

SECRETARY OF STATE (continued)

H	231	Appropriations Modifications and Other Changes (S.L. 2001-513.) (Inc. S.L. 2001-424.).....	1010, 1062, 1069, 1077, 1088, 1123, 1127, 1263, 1268, 1271, 1385, 1402, 1407, 1417, 1429.
S	841	Appropriations/Modifications and Other Changes (Appropriations/Base Budget Com).....	284, 704, 717, 1262.
S	842	Business Entity Changes (S.L. 2001-387.).....	284, 603, 737, 749, 931, 935, 943, 946, 969.
S	337	Consolidate Business Provisions (Judiciary I Com).....	136.
H	385	Consolidate Business Provisions (S.L. 2001-358.).....	345, 767, 788, 797, 881, 922.
S	14	Election Rewrite (S.L. 2001-398.).....	50, 359, 372, 938, 948, 953, 957, 959, 1013.
H	955	Notary Misrepresentation Authority (S.L. 2001-450.).....	395, 1058, 1069, 1084, 1116, 1211, 1230.
H	1073	Register of Deeds/Business Reinstatement (S.L. 2001-390.).....	699, 884, 890, 912, 917, 950, 970.
S	258	Rescission Offer Filing Procedure (S.L. 2001-183.).....	116, 169, 182, 193, 625, 663.
H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
S	257	Uniform Commercial Code Article 9 Amendments (S.L. 2001-231.).....	116, 249, 254, 649, 655, 660, 722.
S	310	Uniform Securities Regulation (S.L. 2001-126.).....	132, 396, 419, 558, 566, 568, 617.

SECURITIES ACT [G.S. 78A]

S	259	Abolish Church Bond Dealer Restriction (S.L. 2001-182.).....	116, 170, 182, 193, 198, 625, 662.
S	275	Canadian Dealers/Salesmen Registration (S.L. 2001-225.).....	125, 244, 255, 514, 518, 643, 692.
S	277	Community Development Exemption (S.L. 2001-197.).....	125, 170, 182, 193, 630, 684.
S	274	Obsolete Exchange/Market Place Exempt Repealed (S.L. 2001-149.).....	125, 396, 418, 596, 632.
S	795	Repeal Chapter 78B/Amend Securities Act (S.L. 2001-201.).....	270, 406, 443, 680, 684, 686, 689.
S	258	Rescission Offer Filing Procedure (S.L. 2001-183.).....	116, 169, 182, 193, 625, 663.

SECURITIES ACT [G.S. 78A] (continued)

S	310	Uniform Securities Regulation (S.L. 2001-126.)	132, 396, 419, 558, 566, 568, 617.
H	359	Viatical Settlements Rewrite (S.L. 2001-436.)	931, 975, 1052, 1058, 1078, 1082, 1146, 1216.

SENATE STAFF..... 1463.

SERGEANT-AT-ARMS—Cecil Goins

Democratic Caucus Nomination	37.
Escorts—	
Members of the Judiciary and Secretary of State	5.
Winston-Salem State University Choir	5.
The Honorable Michael F. Easley, Governor	91.
The Honorable I. Beverly Lake, Chief Justice	225.
Nomination/Election	36.
Oath of Office	37.

SETOFF DEBT COLLECTION ACT [G.S. 105A]

S	353	Department of Revenue Debt Collection Changes (S.L. 2001-380.) (Inc. S.L. 2001-424.)	139, 170, 330, 455, 488, 490, 497, 723, 746, 748, 792, 892, 913, 914, 951.
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SHAW, SENATOR LARRY **41st District—Cumberland** (part)

Absent of Leave	137, 236, 251, 334, 478 (portion), 504, 728, 823, 900, 1008, 1012, 1041, 1117, 1121, 1250, 1282, 1288 (portion).
Adjournment Motion—Second	374, 561, 697.
Certificate of Election	6.
Committee Assignments—	
Conference	1017, 1225, 1292.
Standing	42, 43, 44, 45, 46, 52.
Escorts—	
Saint Augustine's College Track Team	700.
Dixie League Baseball Team from Robeson County	848.
Oath of Office	7.
Remarks Spread—	
Honoring Military Bases	560.
Memorializing Henry Evans	1145.
Bills and Resolutions—(Senate Bills)	
Primary Sponsor	108, 148, 355, 356, 357, 358, 359, 360, 393, 474, 763.
Co-Sponsor	2, 94, 96, 147, 152, 163, 164, 166, 167, 171, 172, 173, 199, 200, 201, 265, 298, 300, 301, 441, 451, 470, 500, 511, 517, 521, 522, 523, 537, 541, 552, 573, 762, 768, 769, 770, 773, 774, 802, 808, 832, 854, 859, 938, 1054, 1056, 1086, 1105, 1108.

SHAW, SENATOR ROBERT G...... **19th District**—Davidson (part), **Guilford** (part), Randolph (part).

Absent of Leave..... 202, 243, 496, 521, 574, 752, 781, 806, 853, 1008, 1129, 1282, 1409 (portion).

Adjournment Motion—Second 144, 1326.

Certificate of Election..... 6.

Committee Assignments—

 Conference..... 919, 1268.

 Standing..... 43, 44, 45, 46.

Escorts—

 The Honorable Dennis Wicker, Former Lieutenant Governor..... 99.

Oath of Office..... 7.

Paired Votes—

 S 61 Continuing Budget Authorization..... 966.

Bills and Resolutions—(Senate Bills)

 Primary Sponsor..... 109, 226, 627, 688.

 Co-Sponsor..... 2, 4, 5, 23, 31, 120, 122, 123, 125, 126, 132, 174, 188, 199, 202, 203, 204, 205, 215, 282, 283, 285, 300, 301, 329, 389, 390, 450, 465, 470, 502, 521, 523, 537, 639, 680, 685, 705, 708, 764, 770, 771, 854, 859, 939, 995, 1008, 1012, 1074, 1105, 1108.

SHERIFF [G.S. 162]

S 397 GED and Other Credit for Inmates (S.L. 2001-200.).....154, 231, 239, 629, 635, 642, 643, 689.

S 94 Implement Four-Year Terms and Session Limits (H Rules, Calendar, and Operations of the House Com)..... 68, 417, 439.

H 338 Technical Corrections Act (S.L. 2001-487.).....481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.

H 689 Tennessee Valley Authority Officers' Authority (S.L. 2001-257.).....245, 556, 566, 580, 668, 678, 701, 765.

SHERIFFS' EDUCATION AND TRAINING [G.S. 17E]

S 68 Criminal Justice Standards Commission Change (S.L. 2001-490.).....63, 237, 247, 344, 435, 457, 669, 679, 687, 693, 1412, 1413, 1416, 1419, 1425.

SOCIAL SERVICES [G.S. 108A]

H 387 Developmentally Disabled Group Homes Regulation (S.L. 2001-209.).....328, 625, 636, 639, 690.

S 691 Medicaid County Share/Funds-2 (Appropriations/Base Budget Com)..... 222.

S 374 Mental Health System Reform (Children & Human Resources Com)..... 147, 666, 673.

SOCIAL SERVICES [G.S. 108A] (continued)

S	1052	TANF Cash Assistance/Waive Waiting Period (Appropriations/Base Budget Com).....	319, 376.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.

SOCIAL WORKER CERTIFICATION AND LICENSURE ACT [G.S. 90B]

H	338	Technical Corrections Act (S.L. 2001-487.).....	481, 1289, 1293, 1302, 1306, 1345, 1348, 1350, 1354, 1360, 1361, 1364, 1403, 1407, 1417, 1425.
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SOIL AND WATER CONSERVATION DISTRICTS [G.S. 139]

H	983	Limited Liability/Landowner of Watershed Properties (S.L. 2001-272.).....	501, 508, 730, 739, 751, 763, 784.
H	1111	Soil and Water Conservation Commission Powers and Duties (S.L. 2001-284.).....	395, 711, 725, 779, 808.

SOLES, SENATOR R. C., JR...... **18th District**—Bladen (part), **Brunswick**,
Columbus, New Hanover (part).

Absent of Leave.....	688, 778, 1009, 1272, 1282, 1305.
Adjournment Motion	111.
Adjournment Motion—Second	55, 114, 184, 688, 834, 1256.
Certificate of Election.....	6.
Committee Assignments—	
Conference.....	697, 710, 1209, 1260, 1268, 1412.
Standing.....	43, 44, 45, 46, 52.
Escorts—	
President <i>Pro Tempore</i> -elect.....	9.
Sergeant At Arms-elect.....	37.
The Honorable Michael F. Easley, Governor	85.
The Honorable Dennis Wicker, Former Lieutenant Governor.....	99.
Azalea Princess and Court	202.
The Honorable I. Beverly Lake, Jr., Chief Justice of the Supreme Court	224.
John C. Baity, President of the American Cancer Society	523.
Ray G. Smith, National Commander of the American Legion	634.
Dixie League Baseball Team from Robeson County	848.
Journal Approval	1129.
Oath of Office.....	7.
Remarks Spread—	
Memorializing Herman “Bull” West	550.
Memorializing Dale Earnhardt	791.
Memorializing Willie Stargell	864.
Bills and Resolutions—(Senate Bills)	
Primary Sponsor	73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 212, 213, 266, 361, 362, 695, 880, 881, 976, 1064, 1101.

SOLES, SENATOR R. C., JR. (continued)

Co-Sponsor	2, 26, 29, 69, 90, 94, 95, 96, 131, 136, 140, 164, 181, 188, 197, 199, 206, 262, 278, 282, 300, 303, 304, 451, 463, 470, 481, 484, 499, 500, 522, 523, 537, 552, 573, 585, 679, 696, 707, 708, 712, 713, 755, 764, 770, 773, 774, 802, 827, 853, 860, 861, 905, 925, 931, 932, 933, 939, 1048, 1071, 1105, 1106, 1107, 1108.
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SOLICITATION OF CONTRIBUTIONS [G.S. 131F]

S 140 Ad Hoc Community Collections Reported (H Rules, Calendar, and Operations of the House Com)	81, 619, 1155, 1171, 1172, 1173.
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SOLID WASTE MANAGEMENT LOAN PROGRAM [G.S. 159I]

S 123 Special Obligation Bonds for Water/Sewer (S.L. 2001-238.)	74, 80, 198, 207, 233, 654, 665, 671, 674, 723.
S 1005 The Appropriations Act of 2001 (S.L. 2001-424.)	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.

SPECIAL MUSIC

Beth Walters	1041.
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STANLY COUNTY—District 17—Senator Aaron W. Plyler

Senator William R. Purcell

District 22—Senator Fletcher L. Hartsell, Jr.

H 108 Counties Collect Delinquent Taxes Before Record Deeds (S.L. 2001-464.)	182, 191, 703, 717, 777, 814, 1212, 1221, 1247, 1251, 1262.
S 401 Forsyth County and Stanly County Schools Bids (S.L. 2001-99.)	154, 278, 294, 297, 331, 338, 564, 572, 575, 583.
H 667 New London Election Changes (S.L. 2001-131.)	360, 589, 599, 604, 618.
H 447 Norwood Election Changes (S.L. 2001-15.)	243, 280, 295, 327, 335.
H 685 Occupancy Tax for Certain Counties (S.L. 2001-434.)	836, 899, 912, 916, 929, 958, 967, 1156, 1172, 1213, 1215.
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S	798	Senate Redistricting-1C.....	1071.
H	571	Simplify Taxes On Telecommunications	1078.
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Senator Jeanne Hopkins Lucas

District 14—Senator Brad Miller

Senator Eric Miller Reeves

District 36—Senator John H. Carrington

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H	891	Regulate Spotlighting of Deer (S.L. 2001-164.).....	462, 590, 599, 631, 639.
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H	516	Wake County School Construction Projects (S.L. 2001-44.).....	277, 512, 518, 522, 527.
H	838	Wake Forest Deannexation (S.L. 2001-246.).....	361, 698, 707, 716, 721, 729.
H	7	Worthless Check Program Amended (S.L. 2001-61.).....	436, 529, 534, 539, 548.

WARREN COUNTY—District 2—Senator Frank W. Ballance, Jr.

H 108 Counties Collect Delinquent Taxes Before Record Deeds
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**WATAUGA COUNTY—District 12—Senator Philip E. Berger
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WILKES COUNTY—District 27—Senator John A. Garwood

Senator Kenneth R. Moore

- S 557 Millers Creek Incorporated
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- S 149 Senate District 27 Local Act-1
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- S 154 Senate District 27 Local Act-1
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- S 150 Senate District 27 Local Act-2
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- S 151 Senate District 27 Local Act-3
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- S 156 Senate District 27 Local Act-3
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- S 92 Various Local Occupancy Taxes
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- S 645 Wilkes County/School Property Transfer
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District 11—Senator Allen H. Wellons**

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S	327	Wilson Deannexation (S.L. 2001-161.).....	135, 362, 386, 397, 411, 625, 634.
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H	1099	Substitute Letter of Credit for Surety Bond (Judiciary I Com)	395.
S	1005	The Appropriations Act of 2001 (S.L. 2001-424.).....	313, 606, 609, 612, 615, 621, 626, 762, 771, 1073, 1080, 1083, 1085, 1117.
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S	299	Workers' Compensation For Pickup Firefighters (S.L. 2001-204.).....	131, 265, 281, 629, 636, 638, 689.

YADKIN COUNTY—District 27—Senator John A. Garwood
Senator Kenneth R. Moore

H	108	Counties Collect Delinquent Taxes Before Record Deeds (S.L. 2001-464.).....	182, 191, 703, 717, 777, 814, 1212, 1221, 1247, 1251, 1262.
H	6	Merge Jonesville and Arlington (S.L. 2001-16.).....	206, 282, 293, 332, 335, 342.
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S	154	Senate District 27 Local Act-1 (Rules and Operations of the Senate Com)	87.
S	150	Senate District 27 Local Act-2 (Rules and Operations of the Senate Com)	84.
S	155	Senate District 27 Local Act-2 (Rules and Operations of the Senate Com)	87.
S	151	Senate District 27 Local Act-3 (Rules and Operations of the Senate Com)	84.
S	156	Senate District 27 Local Act-3 (Rules and Operations of the Senate Com)	87.
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YANCEY COUNTY—District 28—Senator Charles Carter
Senator Steve Metcalf

S	673	Senate District 28 Local Act-8 (Rules and Operations of the Senate Com)	218.
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