

JOURNAL
OF THE
SENATE
OF THE
2001 GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA

SECOND SESSION

2002

**OFFICERS AND MEMBERS
OF
THE SENATE OF THE NORTH CAROLINA
GENERAL ASSEMBLY
2001 SESSION
SECOND SESSION 2002**

BEVERLY E. PERDUE, President New Bern
 MARC BASNIGHT, President *Pro Tempore* Manteo
 FRANK W. BALLANCE, JR., Deputy President *Pro Tempore* Warrenton
 JANET B. PRUITT, Principal Clerk Raleigh
 LEROY CLARK, JR., Reading Clerk Wendell
 CECIL GOINS, Sergeant-at-Arms Raleigh

DISTRICT	NAME OF SENATOR	CITY OF RESIDENCE
1	MARC BASNIGHT (D)	Manteo
2	FRANK W. BALLANCE, JR. (D)	Warrenton
3	SCOTT THOMAS (D).....	New Bern
4	PATRICK J. BALLANTINE (R)	Wilmington
5	CHARLES W. ALBERTSON (D).....	Beulaville
6	R. L. MARTIN (D).....	Bethel
7 **	KEVER CLARK (D)	Jacksonville
*	LUTHER HENRY JORDAN, JR. (D).....	Wilmington
8	JOHN H. KERR III (D)	Goldsboro
9	ED N. WARREN (D)	Greenville
10	A. B. SWINDELL IV (D).....	Nashville
11	ALLEN H. WELLONS (D).....	Smithfield
12	PHILIP E. BERGER (R).....	Eden
	VIRGINIA FOXX (R)	Banner Elk
13	WIB GULLEY (D)	Durham
	JEANNE HOPKINS LUCAS (D).....	Durham
14	BRAD MILLER (D).....	Raleigh
	ERIC MILLER REEVES (D).....	Raleigh
15	OSCAR N. HARRIS (D)	Benson
16	ELEANOR KINNAIRD (D).....	Carrboro
	HOWARD N. LEE (D).....	Chapel Hill
17	AARON W. PLYLER (D).....	Monroe
	WILLIAM R. PURCELL (D).....	Laurinburg

18	R. C. SOLES, JR. (D)	Tabor City
19	ROBERT G. SHAW (R).....	Greensboro
20	HAMILTON C. HORTON, JR. (R).....	Winston-Salem
	LINDA GARROU (D).....	Winston-Salem
21	HUGH WEBSTER (R)	Burlington
22	FLETCHER L. HARTSELL, JR. (R)	Concord
23	CAL CUNNINGHAM (D)	Lexington
24	ANTHONY E. RAND (D).....	Fayetteville
25	DAVID W. HOYLE (D).....	Dallas
26	AUSTIN M. ALLRAN (R).....	Hickory
27	JOHN A. GARWOOD (R)	North Wilkesboro
	KENNETH R. MOORE (R)	Lenoir
28	STEVE METCALF (D).....	Asheville
	CHARLES CARTER (D).....	Asheville
29	DAN ROBINSON (D).....	Cullowhee
30	DAVID F. WEINSTEIN (D)	Lumberton
31	WILLIAM N. MARTIN (D).....	Greensboro
32	KAY R. HAGAN (D)	Greensboro
33	CHARLIE SMITH DANNELLY (D).....	Charlotte
34	T. LAFONTINE ODOM, SR. (D)	Charlotte
35	ROBERT A. RUCHO (R)	Matthews
36	JOHN H. CARRINGTON (R)	Raleigh
37	WALTER DALTON (D)	Rutherfordton
38	STAN BINGHAM (R).....	Denton
39	JAMES FORRESTER (R).....	Stanley
40	DANIEL G. CLODFELTER (D).....	Charlotte
41	LARRY SHAW (D).....	Fayetteville
42	ROBERT C. CARPENTER (R).....	Franklin

* Deceased 4/23/02

** Appointed 6/10/02

SENATE JOURNAL

SECOND SESSION
2002

ONE HUNDRED SEVENTY FOURTH DAY

Senate Chamber
Tuesday, May 28, 2002

The Senate meets pursuant to adjournment as provided by Resolution 2001-36, 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, as we open the 2002 Short Session of the Legislature, we do so keenly aware of the empty seat Number 8, left that way by the untimely death of Senator Luther Jordan.

"We hold in honor not only our memory of Senator Jordan as a colleague and friend, but also for the causes he championed here with much passion and conviction.

"Now for the Senators and staff assembled here today ready to serve, if they ever needed your wisdom and guidance, it is now as they confront so many challenges to the sound health of our State. They were elected for this reason and if one believes in providence, they were born for such a moment.

"May their work be characterized by enthusiasm and guided by a clear conscience that fears no person or obstacle.

"Let the words of the Psalmist be written on their minds and hearts each day: 'We lift our eyes to the hills, but from where will our help come? Our help will come from you, O God. Amen.'"

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms to open the doors of the Chamber for the presentation of the Colors by the Color Guard Unit of the Air Force Junior ROTC, North Surry High School, Mount Airy, North Carolina. (*See Appendix.*)

PLEDGE OF ALLEGIANCE

Led by the President, members and guests remain standing and pledge allegiance to the flag of the United States of America.

The Chair grants leaves of absence for today to Senator Garwood, Senator Hartsell, and Senator Metcalf.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, December 6, 2001, 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. P. William Aycock, Jr. from Gastonia, North Carolina, who is serving the Senate as Doctor of the Day, and to Sana Savage from Virginia Beach, Virginia, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF A JOINT RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1110, A JOINT RESOLUTION HONORING THE MEMORY OF NORMAN H. JOHNSON, THE FIRST ATTORNEY GENERAL OF THE NORTH CAROLINA RETAIL MERCHANTS ASSOCIATION, ON THE ONE HUNDREDTH ANNIVERSARY OF THE NORTH CAROLINA RETAIL MERCHANTS ASSOCIATION.

Upon motion Senator Rand, the rules are suspended, without objection, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Heather Atwell, Cherryville; Laura E. Carroll, Cherryville; Jeremiah Seth Casey, West Jefferson; Erin Gail Cloninger, Cherryville; Dionna Elaina Croom, Hamlet; Kristen Dalton, Wilmington; Jessica B. Forlines, Eden; Josh Forlines, Eden; Gency E. Kirk, Bessemer City; Meghan Beam LeFevers, Cherryville; Jesse Coburn Powell, Jr., Whiteville; Courtney Davis Ransome, Windsor; Austin D. Rudisill, Albemarle; Melanie J. Smith, Elon; Roy Lucas Upchurch, Cherryville; Lia Ronay Walker, Merry Hill; Christopher Aaron West, Chapel Hill; and Meredith Whitt, Eden.

COMMITTEE APPOINTMENTS

Pursuant to Rule 31, Senator Basnight, President *Pro Tempore*, announces the following committee appointments:

Senator Thomas and Senator Wellons are appointed as Co-Chairs of the **Appropriations Subcommittee on Justice and Public Safety**.

Senator Purcell is appointed as Co-Chair of the **Appropriations Subcommittee on Health and Human Services**.

Upon motion of Senator Basnight, seconded by Senator Plyler, the Senate adjourns at 12:42 P.M. in honor of the 100th Anniversary of the North Carolina Retail Merchants Association to meet tomorrow, Wednesday, May 29, at 3:00 P.M.

ONE HUNDRED SEVENTY-FIFTH DAY

Senate Chamber
Wednesday, May 29, 2002

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

May 29, 2002

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

"Dear God, recently, I was feeling very proud when a church member said that my nine-year old daughter, Elizabeth, reminded him of me. To push the compliment I asked, 'In what way?' He replied, 'She's often wrong but seldom in doubt.' Lesson learned.

"I'm not sure if anyone in the Senate knows someone like that, but if so, you tell them to pray as I did: 'Take away my pride and my self-assuredness, give me courage defined by gentleness, wisdom that shows itself by simplicity, true power that shows itself through modesty. Amen.'"

The Chair grants leaves of absence for today to Senator Garwood, Senator Hartsell, Senator Kinnaird, and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 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.

The President of the Senate extends courtesies of the floor to Dr. John P. Ebert from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Tony Adinolfi from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.J.R. 1110, A JOINT RESOLUTION HONORING THE MEMORY OF NORMAN H. JOHNSON, THE FIRST ATTORNEY GENERAL OF THE NORTH CAROLINA RETAIL MERCHANTS ASSOCIATION, ON THE ONE HUNDREDTH ANNIVERSARY OF THE NORTH CAROLINA RETAIL MERCHANTS ASSOCIATION. (Res. 1)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Odom:

S.B. 1111, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Odom:

S.B. 1112, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler, Odom and Lee:

S.B. 1113, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Referred to **Appropriations/Base Budget Committee**.

May 29, 2002

By Senator Plyler:

S.B. 1114, A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VOLOREM TAX RATE.

Referred to **Finance Committee**.

By Senators Plyler, Odom and Lee:

S.B. 1115, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND THE MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Referred to **Appropriations/Base Budget Committee**.

By Senator Plyler:

S.B. 1116, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Plyler:

S.B. 1117, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Rules and Operations of the Senate Committee**.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Basnight, privileges of the floor are extended to City Officials and guests from the Republic of Bulgaria, Remzi Osman, Ranking member of Parliament, Mayor Uzunov, President of the Bulgarian Association of Municipalities, and other guests. The Lieutenant Governor presents them with a North Carolina flag.

COURTESIES

Senator Basnight extends the courtesies of the gallery to the Chancellor of East Carolina University, Dr. William V. Muse.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 3:16 P.M. to meet tomorrow, Thursday, May 30, at 11:00 A.M.

ONE HUNDRED SEVENTY-SIXTH DAY

Senate Chamber
Thursday, May 30, 2002

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 a lot of soul-searching going on among the Senators. Today, O Lord, we ask that you would not just listen to the words of our prayers, but to the yearnings of our hearts. Hear beneath our very articulate petitions to the crying of our needs, then we shall

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have relearned not only how to pray, but also how to communicate with one another. In your name and for your sake we pray. Amen."

Taken from a prayer from Peter Marshall.

The Chair grants leaves of absence for today to Senator Garwood and Senator Reeves.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, May 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 Dr. John K. Williford, Jr. from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Linda Smith from Fuquay-Varina, North Carolina, who is serving the Senate as Nurse of the Day.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Harris as Co-Chair of the **Appropriations on General Government Committee**.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Reeves; Cunningham and Forrester:

S.B. 1118, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REDUCE THE CO-PAYMENT AMOUNT FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senator Carpenter:

S.B. 1119, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF SALUDA.

Referred to **Finance Committee**.

By Senator Lee:

S.B. 1120, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:

S.B. 1121, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Reeves; Allran, Berger, Bingham, Carpenter, Carrington, Cunningham, Forrester, Fogg, Hartsell, Moore, and Rucho:

S.B. 1122, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION, SUBJECT TO APPROVAL OF THE VOTERS OF THE STATE, TO PROHIBIT THE GOVERNOR FROM WITHHOLDING LOCAL FUNDS.

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Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Reeves:

S.B. 1123, A BILL TO BE ENTITLED AN ACT MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Reeves; Allran, Berger, Bingham, Carpenter, Carrington, Cunningham, Forrester, Foxx, Hartsell, Miller, Moore, and Rucho:

S.B. 1124, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

Upon motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 11:12 A.M. to meet Monday, June 3, at 7:00 P.M.

ONE HUNDRED SEVENTY-SEVENTH DAY

Senate Chamber
Monday, June 3, 2002

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:

"Paul wrote in his first letter to the Corinthians, 'Set your hearts, then, on the more important gifts.'

"I may be able to speak the language of all people and even of angels, but if I have no love, my speech is no more than a noisy gong or a clanging bell.

"Love is patient and kind; not jealous or boastful; not arrogant or rude. Love does not insist on its own way; it is not irritable or resentful.

"Love bears all things, believes all things, hopes all things, endures all things.

"While reading this passage to a couple as part of their wedding ceremony, I also thought of the Senators and staff and how Paul's words may serve as both instruction and encouragement during this time of push and pull, of give and take. Amen."

The Chair grants leaves of absence for tonight to Senator Carter, Senator Garwood, Senator Martin of Pitt, and Senator Metcalf.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, May 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.

The President of the Senate extends courtesies of the floor to Dr. Michael Brennan from Burlington, North Carolina, who is serving the Senate as Doctor of the Day, and to Holli

June 3, 2002

Hoffman from West End, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:

S.B. 1125, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1126, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carpenter:

S.B. 1127, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE POLK AND TRANSYLVANIA COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Referred to **Finance Committee**.

By Senator Soles:

S.B. 1128, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 1129, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 1130, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 1131, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Dalton:

S.B. 1132, A BILL TO BE ENTITLED AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE TOWN OF ELLENBORO.

Referred to **Finance Committee**.

By Senator Dalton:

S.B. 1133, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

Referred to **Finance Committee**.

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By Senator Warren:

S.B. 1134, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENVILLE TO PROVIDE THAT A TAXPAYER MUST OBTAIN ALL REQUIRED PERMITS BEFORE RECEIVING A PRIVILEGE LICENSE TO CARRY ON A TRADE OR BUSINESS.

Referred to **Finance Committee**.

By Senators Plyler and Purcell:

S.B. 1135, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL LAWS OF THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:

S.B. 1136, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL LAWS OF THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:

S.B. 1137, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL LAWS OF THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 1138, A BILL TO BE ENTITLED AN ACT TO EXTEND EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW.

Referred to **Commerce Committee**.

By Senator Gulley:

S.B. 1139, A BILL TO BE ENTITLED AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, AND TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR.

Referred to **Transportation Committee**.

By Senator Gulley:

S.B. 1140, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES.

Referred to **Judiciary I Committee**.

By Senator Gulley:

S.B. 1141, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAWS AFFECTING MOTOR CARRIER SAFETY.

Referred to **Transportation Committee**.

By Senators Martin of Guilford, Metcalf, Allran, Dannelly, Foxx, Harris, Lucas and Purcell:

S.B. 1142, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT

OF HEALTH AND HUMAN SERVICES TO PROVIDE FOR THE COORDINATION OF THE ADOPTION OF RULES BY VARIOUS COMMISSIONS.

Referred to **Judiciary II Committee**.

By Senators Martin of Guilford, Metcalf, Allran, Dannelly, Foxx, Harris, Lucas and Purcell:

S.B. 1143, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE MEMBERSHIP OF THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to **Children & Human Resources Committee**.

By Senator Hoyle:

S.B. 1144, A BILL TO BE ENTITLED AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES.

Referred to **Commerce Committee**.

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

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Brittany Leigh Boone, Clinton; Candace Bryan, Elm City; Summer Lauren Caldwell, Gastonia; Jesse Caldwell IV, Gastonia; Kristin L. Campbell, Durham; Jonathan G. Davis, Louisburg; John Ivey Eagles, Greensboro; Zachary Yates Eaker, Forest City; Blaire Foster, Raleigh; Kristine French, Cameron; Paul W. Greathouse, Lexington; Brittany Hermann, Raleigh; Britt'ny D. Jones, Durham; Stephanie Lauren Loeb, Belmont; Adam Phillips, Fuquay-Varina; Jessica Price, Matthews; Holly Ray, Burlington; Mariana Areli Rodriguez-Medina, Raleigh; Miriah Lyn Truluck, Spindale; Mary Kate Ward, Greenville; William Blake Warren III, Newton Grove; Wrenn Wells, Winston-Salem.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns at 7:18 P.M. to meet tomorrow, Tuesday, June 4, at 2:00 P.M.

ONE HUNDRED SEVENTY-EIGHTH DAY

Senate Chamber
Tuesday, June 4, 2002

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:

"Here we are, Lord.

"Are you calling us today to go somewhere we may not want to go or to speak to someone we might just as well prefer to avoid or to reach out to someone we would rather ignore?"

June 4, 2002

"We want to be faithful to you, even when it isn't easy. Make us better than we can be on our own.

"Empower us to be helpful in bringing about your kingdom in all that we do this day. To your glory we pray, Amen."

A prayer from Pulpit Resource by Dr. William Willis

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 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 Dr. Marion W. Griffin from Asheboro, North Carolina, who is serving the Senate as Doctor of the Day, and to Holli Hoffman from West End, North Carolina, who is serving the Senate as Nurse of the Day.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Basnight, the President extends the privileges of the floor to The Honorable Christine Weason, a member of the State of Arizona House of Representatives.

APPOINTMENT BY THE GOVERNOR

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER RALEIGH, NC 27699-0301**

Michael F. Easley
Governor

May 8, 2002

The Honorable Beverly E. Perdue
President of the Senate and Lieutenant Governor
310 North Blount Street
Raleigh, NC 27603

The Honorable James B. Black
The Speaker of the House
Room 2304 Legislative Building
Raleigh, NC 27601-1096

Dear Madam and Sir:

Please be advised that I have appointed Joseph A. Smith, Jr. as North Carolina Commissioner of Banks, effective June 1, 2002. Mr. Smith replaces Commissioner Hal Lingerfelt, who will retire May 31, 2002.

As provided for in the N.C.G.S. 53-92, Mr. Smith's appointment is subject to confirmation by the General Assembly by joint resolution.

June 4, 2002

I appreciate your assistance in securing a favorable resolution for the appointment of Mr. Smith as Commissioner of Banks.

With kindest regards, I remain

Very truly yours,
S/Michael F. Easley

Referred to **Commerce Committee**.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Hartsell:

S.B. 1145, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE PROHIBITION ON THE ESTABLISHMENT OF AUTOMATED TELLER MACHINES OR OTHER INFORMATION-PROCESSING DEVICES OR MACHINES BY OUT-OF-STATE FINANCIAL INSTITUTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Commerce Committee**.

By Senator Allran:

S.B. 1146, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF NEWTON AND CLAREMONT AND THE TOWN OF MAIDEN.

Referred to **Finance Committee**.

By Senator Hartsell:

S.B. 1147, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO DISTRIBUTION TO KNOWN BUT UNLOCATED DEVISEES OR HEIRS TO CONFORM TO THE NORTH CAROLINA UNCLAIMED PROPERTY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Purcell:

S.B. 1148, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Purcell and Plyler:

S.B. 1149, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Purcell and Plyler:

S.B. 1150, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

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By Senators Purcell and Plyler:

S.B. 1151, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Purcell and Plyler:

S.B. 1152, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1153, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE RECENT ESTABLISHMENT OF A ROLLING UPSET BID PROCEDURE FOR JUDICIAL AND EXECUTION SALES DID NOT AFFECT THE REQUIREMENT THAT SALES BE CONFIRMED BY THE APPROPRIATE JUDICIAL OFFICIAL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 1154, A BILL TO BE ENTITLED AN ACT TO EXPAND THE LIST OF SECTIONS OF THE NORTH CAROLINA CONDOMINIUM ACT THAT APPLY TO CONDOMINIUMS CREATED ON OR BEFORE OCTOBER 1, 1986, AND TO CODIFY AN APPLICABILITY PROVISION RELATING TO THE NORTH CAROLINA PLANNED COMMUNITY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 1155, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO SPECIAL MEETINGS OF SHAREHOLDERS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 1156, A BILL TO BE ENTITLED AN ACT TO AMEND THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO BYLAWS TO CONFORM TO THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO ARTICLES OF INCORPORATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 1157, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE ATTESTATION REQUIREMENT THAT CONVEYANCES BY BANKS MUST BE EXECUTED BY THE SECRETARY OR THE CASHIER AND TO VALIDATE CONVEYANCES BY BANKS THAT OTHERWISE COMPLY WITH THE STATUTE ON EXECUTION OF CORPORATE CONVEYANCES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 1158, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF FAYETTEVILLE.

Referred to **Rules and Operations of the Senate Committee**.

June 4, 2002

By Senator Rand:

S.B. 1159, A BILL TO BE ENTITLED AN ACT RELATING TO THE CONVERSION OF HOSPITAL AND MEDICAL SERVICE CORPORATIONS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Hartsell, Clodfelter, Dalton, Hoyle, Kerr and Webster:

S.B. 1160, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

Referred to **Finance Committee**.

By Senators Hartsell, Dalton, Hoyle, Kerr and Webster:

S.B. 1161, A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES.

Referred to **Finance Committee**.

By Senators Thomas; Foxx and Dannelly:

S.B. 1162, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS.

Referred to **Judiciary II Committee**.

By Senators Wellons; Albertson, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Kerr, Kinnaird, Lee, Lucas, Metcalf, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Swindell, Thomas, Warren and Weinstein:

S.B. 1163, A BILL TO BE ENTITLED AN ACT PROVIDING FOR VOLUNTARY FLEXIBLE WORK SCHEDULES FOR STATE EMPLOYEES.

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

By Senators Hoyle, Rand, Gulley, Metcalf, Albertson, Carter, Cunningham, Dalton, Dannelly, Garrou, Hagan, Harris, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Martin of Pitt, Miller, Odom, Plyler, Purcell, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein, Wellons; and Foxx:

S.B. 1164, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR.

Referred to **Finance Committee**.

By Senators Kerr and Hoyle:

S.B. 1165, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL FINANCE LAWS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Lucas; Dannelly, Gulley, Martin of Guilford, Miller, Purcell and Shaw of Cumberland:

S.B. 1166, A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AS RECOMMENDED BY THE NORTH CAROLINA PUBLIC HEALTH STUDY COMMISSION.

Referred to **Children & Human Resources Committee**.

Upon motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns at 2:17 P.M. to meet tomorrow, Wednesday, June 5, at 2:00 P.M.

June 4, 2002

ONE HUNDRED SEVENTY-NINTH DAY

Senate Chamber
Wednesday, June 5, 2002

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:

"During the forty years the Israelites found themselves wandering around in the desert, free from their captivity in Egypt yet unable to occupy the promised land, you were there even when they didn't know it or worse thought you had deserted them.

"Scripture says you even went in front of them three days journey guiding those people with a pillar of cloud by day and a pillar of fire by night.

"There's a certain lostness in all of us, whether here on the Senate floor or in our personal lives, that finds great hope in the imagery that you are three days ahead of us. Lead on, O King, eternal. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, June 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.

The President of the Senate extends courtesies of the floor to Dr. Pedro Roca from Jacksonville, North Carolina, who is serving the Senate as Doctor of the Day.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Rand, the President extends the privileges of the floor to Kimberly P. Johnson from Cameron, North Carolina, Author and representative from the Smart Start Program.

With unanimous consent, upon motion of Senator Ballance, the remarks of Kimberly P. Johnson are spread upon the Journal, as follows:

"Sometimes I wonder what I'll be one day when I grow up. Perhaps I'll be a racecar champ and win a fancy cup. Maybe I'll be a baseball star and pitch with all my might, or when I get a turn at bat, I'll knock balls out of sight. Maybe I'll be an astronaut and walk across the moon, or learn to play an instrument and write a catchy tune. I think sometimes I'd really like to be a science teacher, to do some fun experiments and study every creature. Maybe I'll be a writer and gather all the news. I can follow all my dreams if that is what I choose. All I ask of you is to just believe in me and I will do great big things, just watch and you will see. Thank you."

"Honorable Senators of North Carolina, I am so honored to be here. It is a wonderful pleasure and privilege for me to stand before you. I am Kimberly P. Johnson and I am here because I have a passion for learning. I have a passion for education and I know that you have a passion for what you are doing. We have to make sure that our young children, that our early learners get every opportunity that they have to succeed. I grew up in Shelby, North Carolina. Does anybody know where Shelby is? I grew up in Shelby, North Carolina and I lived with my grandparents. It was not until middle school that I

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learned my grandfather was illiterate. He could not read or write, but he had a great passion for education. He wanted his children and his grandchildren to get the education that he never had the opportunity to receive. It wasn't because he didn't know how important it was, but during that time he had to stop going to school to help take care of the family and work. But everyday he would come home at the end of a long workday and he would say to his grandchildren, 'Did you get your book work done? Is that book work done?' And unless that book work was done, we couldn't go outside and unfortunately there are too many children today that don't have anyone who is concerned about them getting their book work done. So it is our mission, it has to be our passion, to make sure that programs that provide children with every opportunity that they have to succeed stay in place. I am here because I love what I do and so rarely in life do you find your mission and your passion in life. I know that children are great, educated people, they are great learners. If we start right now, we know that children can take us to great, great highs and bring us to great lows in the same breath and that's what makes them so amazing. I will show you what I mean."

"Not too long ago, I did a presentation for pre-schoolers and I tried to get them to make the connection between the title of the book and the author. I had a group of pre-schoolers and it was during the time when all the pollen was out and I couldn't breathe and I was sniffing and all kinds of wonderful things. I told the children, I said, 'The Adventures of the Itty Bitty Bunny by Kimberly P. Johnson, Kimberly P. Johnson that's me, that's my name, I wrote the book.' I am trying to get the children to make the connection and I said to them, I said 'If you have any questions, hold your questions until the end of the reading and I will answer any questions you have.' No sooner than I closed my mouth this little boy raised his hand and I said, 'Ok I am just going to keep reading the story and he will realize that I am going to answer the question after.' So he sat there with his arm up, he was determined. And then slowly the arm went down and I thought, Ok this is it, I can finish my story and then he did this...so I knew that he was determined to get his question out. So, I said, 'Yes sir, do you have question for me?' and he said, and this is why you love children, and he said 'Yes, Kimberly P. Johnson, do you need to go blow your nose?'"

"Children are amazing and we have to do everything we can to keep them focused on the future. As a young child I was able to be a part of the Head Start Program. It allowed my grandparents the opportunity to know that those programs were out there and they could get me involved. So I know that these programs really work for early learners and we have to do everything that we can. I know that right now you are under a great deal of pressure, to say the least, to make decisions and decide where everything goes and how everything is balanced out. But you guys don't forget, don't ever forget that you are here because you are the best of the best, you are always the best of the best."

"I leave you with this. Senators, remember you are the best of the best. You will always be challenged and put to the test. But stay focused and clear on what you must do. Change lives and build dreams and help them come true. You may be the one that helps us believe that we're worthy, intelligent and able to achieve. So forget that you are tired and your worn mental state, we need you right now before it's too late. Continue to do the best that you can. Be consistent, persistent, and keep that good plan. And I promise that our citizens will get just what they need, opportunities, good values, and the ability to succeed. You are all the best of the best. Thank you."

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

June 5, 2002

By Senator Soles:

S.B. 1167, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF TABOR CITY TO LEVY SPECIAL ASSESSMENTS FOR STREET OR SIDEWALK IMPROVEMENTS WITHOUT PETITION.

Referred to **Finance Committee**.

By Senator Reeves:

S.B. 1168, A BILL TO BE ENTITLED AN ACT MAKING IT A FELONY TO ACCESS A GOVERNMENT COMPUTER FOR FRAUDULENT OR RELATED ACTIVITY OR TO CAUSE A DENIAL OF SERVICE AFFECTING A GOVERNMENT COMPUTER.

Referred to **Judiciary I Committee**.

By Senator Reeves:

S.B. 1169, A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERNET PRIVACY POLICY ACT.

Referred to **Information Technology Committee**.

By Senator Reeves:

S.B. 1170, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS FOR CITIES AND TOWNS.

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

By Senator Reeves:

S.B. 1171, A BILL TO BE ENTITLED AN ACT MAKING IT A MISDEMEANOR TO SEND CERTAIN UNSOLICITED ELECTRONIC MAIL TRANSMISSIONS.

Referred to **Information Technology Committee**.

By Senators Moore and Garwood:

S.B. 1172, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ICARD FIRE DISTRICT TO LEVY AN AD VALOREM TAX AT THE GENERAL LAW RATE.

Referred to **Finance Committee**.

By Senators Moore and Garwood:

S.B. 1173, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ALEXANDER.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Moore and Garwood:

S.B. 1174, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF AVERY.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Moore and Garwood:

S.B. 1175, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BURKE.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Moore and Garwood:

S.B. 1176, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CALDWELL.

Referred to **Rules and Operations of the Senate Committee**.

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By Senators Moore and Garwood:

S.B. 1177, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MITCHELL.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Moore and Garwood:

S.B. 1178, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WILKES.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Moore and Garwood:

S.B. 1179, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF YADKIN.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1180, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1181, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1182, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1183, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1184, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1185, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CONCORD.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1186, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF KANNAPOLIS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1187, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MOUNT PLEASANT.

Referred to **Rules and Operations of the Senate Committee**.

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By Senators Hartsell, Plyler and Purcell:

S.B. 1188, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF RED CROSS.

Referred to **Finance Committee**.

By Senator Rand:

S.B. 1189, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BOARD OF TRUSTEES FOR THE CREATION AND ADMINISTRATION OF A PUBLIC EMPLOYEE SPECIAL PAY PLAN.

Referred to **Appropriations/Base Budget Committee**.

By Senator Warren:

S.B. 1190, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CITY OF GREENVILLE MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

Referred to **Finance Committee**.

By Senator Rand:

S.B. 1191, A BILL TO BE ENTITLED AN ACT FOR DESIGNATING, BUDGETING, AND COMPENSATING CERTAIN EMPLOYEES OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to **Appropriations/Base Budget Committee**.

By Senators Gulley and Lucas:

S.B. 1192, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CIGARETTE TAX FROM FIVE CENTS A PACK TO FIFTY-FIVE CENTS A PACK.

Referred to **Finance Committee**.

By Senators Gulley and Lucas:

S.B. 1193, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Foxx; Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Garwood, Hartsell, Horton, Moore, Rucho, Shaw of Guilford and Webster:

S.B. 1194, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO FULLY FUND THE NORTH CAROLINA NATIONAL GUARD TUITION ASSISTANCE PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senators Foxx; Berger, Garwood and Moore:

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO CREATE AN OCCUPANCY TAX DISTRICT IN THE TOWN OF SEVEN DEVILS, AND TO AUTHORIZE THE SEVEN DEVILS TAX DISTRICT TO LEVY AN OCCUPANCY TAX.

Referred to **Finance Committee**.

By Senators Swindell; Albertson, Bingham, Carter, Cunningham, Dannelly, Forrester, Garrou, Harris, Hoyle, Lee, Lucas, Metcalf, Odom, Purcell, Thomas, Warren, Weinstein and Wellons:

S.B. 1196, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY WAYS TO ESTABLISH A GROUP HEALTH INSURANCE PURCHASING ARRANGEMENT FOR LONG-TERM CARE STAFF.

Referred to **Rules and Operations of the Senate Committee**.

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By Senator Lee:

S.B. 1197, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:

S.B. 1198, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Carter; Cunningham, Garrou, Harris, Lee, Lucas, Metcalf, Purcell, Robinson, Swindell, Thomas, Weinstein and Wellons:

S.B. 1199, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY WAYS THE STATE CAN COORDINATE AND FACILITATE PUBLIC ACCESS TO PUBLIC AND PRIVATE FREE AND DISCOUNT PRESCRIPTION DRUG PROGRAMS FOR SENIOR CITIZENS.

Referred to **Children & Human Resources Committee**.

By Senators Ballantine; Allran, Cunningham, Garwood, Hagan, and Hartsell:

S.B. 1200, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE AGENCIES TO ENSURE THAT EVERY SCHOOL DEVELOP AND MAINTAIN AN INDIVIDUALIZED DIABETES CARE PLAN FOR A CHILD WITH DIABETES AT THE REQUEST OF THE CHILD'S PARENT OR GUARDIAN AND TO ASSIST THE CHILD WITH THE MANAGEMENT OF THE CHILD'S DIABETES IN ACCORDANCE WITH THE CHILD'S DIABETES CARE PLAN, TO PROVIDE IMMUNITY FROM LIABILITY, TO DIRECT THE STATE BOARD OF EDUCATION TO DISSEMINATE GUIDELINES, AND TO APPROPRIATE FUNDS.

Referred to **Children & Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Gulley:

S.B. 1201, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Appropriations/Base Budget Committee**.

By Senator Gulley:

S.B. 1202, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Appropriations/Base Budget Committee**.

By Senator Gulley:

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Appropriations/Base Budget Committee**.

By Senator Gulley:

S.B. 1204, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR.

Referred to **Appropriations/Base Budget Committee**.

June 5, 2002

By Senator Gullely:

S.B. 1205, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION.

Referred to **Transportation Committee**.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Dalton, the remarks of Senator Hartsell who rises to a point of personal privilege, are spread upon the Journal, as follows:

"Members of the Senate, about three months ago, unfortunately, my father passed away, as many of you know. I have not had the opportunity to thank you, formally, for the cards and letters which I genuinely appreciated, as did my mother. There were cards, there were letters, there were flowers, and there were other expressions of condolences. There were gifts to our Church which was my father's passion. I raise this today because, frankly, today would have been their 60th wedding anniversary. They were inspirations to me and inspirations to many people in the community, as I know that each of your parents were to you. But I cannot forget, and when I think about what we are trying to do here in this General Assembly and what we want to do with our own lives, the comments of Thomas Jefferson who said a long time ago that each generation owes to the next those opportunities and possibilities for life at least as great as those passed to it by its own parents. I thank you for your expressions and I thank you, Dad, for those possibilities. I hope that we will remember those comments as we proceed with this session. Thank you."

Upon motion of Senator Basnight, seconded by Senator Thomas, the Senate adjourns at 2:28 P.M. to meet tomorrow, Thursday, June 6, at 10:00 A.M.

ONE HUNDRED EIGHTIETH DAY

Senate Chamber
Thursday, June 6, 2002

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:

"As we listened to Kimberly Johnson's poetry yesterday, we heard not only her excellent creative communication skills but also felt her enthusiasm for life.

"O God, she has taken the talents you've given her and multiplied them many fold.

"We applauded not only in appreciation for her poetry but I think also for the moment of insight that recognizes a similar spark of life and light that exist within each of us and which may also be used to your glory and for the good of humankind.

"Kimberly, well done good and faithful servant and thank you for the inspiration. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, June 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.

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The President of the Senate extends courtesies of the floor to Suzanne McInnis from Rockingham, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Garwood and Moore:

S.B. 1206, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF YADKIN.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carpenter:

S.B. 1207, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLAY, POLK, AND TRANSYLVANIA COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Referred to **Finance Committee**.

By Senator Shaw of Guilford:

S.B. 1208, A BILL TO BE ENTITLED AN ACT RELATING TO THE 19TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Shaw of Guilford:

S.B. 1209, A BILL TO BE ENTITLED AN ACT RELATING TO THE 19TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Horton:

S.B. 1210, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, TO STUDY ISSUES RELATED TO AND OPTIONS FOR THE MANAGEMENT OF WASTEWATER GENERATED BY WINERIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Horton:

S.B. 1211, A BILL TO BE ENTITLED AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA AND A PORTION OF BALDHEAD ISLAND STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE THESE PROPERTIES FROM THE STATE PARKS SYSTEM, AND TO AUTHORIZE THE TRANSFER OF THESE PROPERTIES FOR LIMITED PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Rand:

S.B. 1212, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENT OF FUNDS CONSTITUTING THE RETIREMENT FUND ESTABLISHED FOR EMPLOYEES OF THE FAYETTEVILLE PUBLIC WORKS COMMISSION.

Referred to **Pensions & Retirement and Aging Committee**.

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By Senator Rand:

S.B. 1213, A BILL TO BE ENTITLED AN ACT REGARDING THE STATE HEALTH PLAN.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1214, A BILL TO BE ENTITLED AN ACT TO EXCLUDE AIRPORTS FROM THE PUBLIC ENTERPRISE BILLING INFORMATION PRIVACY LAW.

Referred to **Judiciary I Committee**.

By Senator Weinstein:

S.B. 1215, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell and Albertson:

S.B. 1216, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MIDLAND.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1217, 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.

Referred to **Judiciary I Committee**.

By Senators Clodfelter, Dalton, Hartsell, Hoyle and Kerr:

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF TAX LAWS BY CRIMINALIZING OR INCREASING THE PENALTY FOR CERTAIN FORMS OF TAX FRAUD AND BY ALLOWING THE DEPARTMENT OF REVENUE TO DISCLOSE CERTAIN INFORMATION TO LAW ENFORCEMENT AGENCIES.

Referred to **Judiciary I Committee**.

By Senator Hoyle:

S.B. 1219, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GASTONIA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 1220, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Hoyle and Kerr:

S.B. 1221, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL REVENUE LAWS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Hoyle and Kerr:

S.B. 1222, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL REVENUE LAWS.

Referred to **Rules and Operations of the Senate Committee**.

June 6, 2002

By Senators Hoyle, Clodfelter, Dalton, Hartsell and Kerr:

S.B. 1223, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS.

Referred to **Finance Committee**.

By Senators Foxx; Hartsell, Kerr, Purcell and Webster:

S.B. 1224, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO ALLOW THE OFFICE OF ADMINISTRATIVE HEARINGS TO USE THE INTERNET FOR AGENCY PUBLICATIONS AND TO CONFORM THE ADMINISTRATIVE PROCEDURE ACT TO PROVISIONS OF CHAPTER 12 OF THE GENERAL STATUTES RELATING TO RULES WHICH ESTABLISH OR INCREASE FEES.

Referred to **Judiciary I Committee**.

By Senators Dannelly; Allran, Ballance, Carter, Clodfelter, Dalton, Garwood, Hoyle, Kerr, Lucas, Martin of Pitt, Metcalf, Odom, Purcell, Rand and Warren:

S.B. 1225, A BILL TO BE ENTITLED AN ACT CLARIFYING THE DEFINITION OF SATISFACTORY EVIDENCE OF IDENTITY IN RELATION TO NOTARIAL ACTS, INCREASING NOTARY FEES, EXEMPTING CERTAIN PERSONS WHO PERFORM ACTS OF PUBLIC SERVICE FROM NOTARY FEES, AND REQUIRING NOTARIES TO MAINTAIN A JOURNAL OF NOTARIAL ACTS.

Referred to **Judiciary I Committee**.

By Senators Foxx, Odom; and Berger:

S.B. 1226, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF ELK KNOB STATE NATURAL AREA AND BEECH CREEK BOG STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Plyler:

S.B. 1227, A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN STATUTES RELATED TO LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN CONNECTION WITH THE CLEANUP OF RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Lee:

S.B. 1228, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO ORGAN DONATION REGISTRY AND TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Lucas and Gulley:

S.J.R. 1229, A JOINT RESOLUTION HONORING JEREMIAH MORRIS, FOUNDER OF THE TOWN OF MORRISVILLE, ON THE TOWN'S 150TH ANNIVERSARY.

Referred to **Rules and Operations of the Senate Committee**.

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By Senators Carter, Dalton, Dannelly, Garrou, Garwood, Lucas and Robinson:

S.B. 1230, A BILL TO BE ENTITLED AN ACT TO REPEAL TERM LIMITS FOR MEMBERS OF THE HAYWOOD COUNTY BOARD OF EDUCATION, EDENTON-CHOWAN COUNTY BOARD OF EDUCATION, ALEXANDER COUNTY BOARD OF EDUCATION, AND IREDELL-STATESVILLE BOARD OF EDUCATION.

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

By Senators Lucas, Carter, Dalton, Dannelly, Garrou, Garwood and Robinson:

S.B. 1231, A BILL TO BE ENTITLED AN ACT TO AMEND G.S. 116-19 BY DEFINING THE TERMS "NEEDY NORTH CAROLINA STUDENTS" AND "INSTITUTIONAL METHODOLOGY".

Referred to **Education/Higher Education Committee**.

By Senators Kerr; Albertson, Ballantine, Bingham, Carpenter, Carter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Harris, Hartsell, Hoyle, Lee, Lucas, Martin of Pitt, Metcalf, Purcell, Reeves, Robinson, Soles, Swindell, Thomas and Wellons:

S.B. 1232, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WITH AT LEAST TEN YEARS OF SERVICE TO CONTINUE AS MEMBERS AFTER THE TAKEOVER OF A VOLUNTEER DEPARTMENT BY A CITY OR COUNTY.

Referred to **Pensions & Retirement and Aging Committee**.

By Senators Webster; Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Moore, Rucho and Shaw of Guilford:

S.B. 1233, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS.

Referred to **Finance Committee**.

By Senators Webster; Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Moore, Rucho and Shaw of Guilford:

S.B. 1234, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR, TO CLARIFY THAT THE GOVERNOR IS PERSONALLY LIABLE FOR FUNDS SO WITHHELD, AND TO CLARIFY THE CRIMINAL PENALTY FOR WITHHOLDING THESE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Webster:

S.B. 1235, A BILL TO BE ENTITLED AN ACT RELATING TO THE 21ST SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Webster:

S.B. 1236, A BILL TO BE ENTITLED AN ACT RELATING TO THE 21ST SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Webster:

S.B. 1237, A BILL TO BE ENTITLED AN ACT RELATING TO THE 21ST SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Dalton, Gulley, Harris; and Albertson:

S.B. 1238, A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE.

Referred to **Pensions & Retirement and Aging Committee**.

By Senator Gulley:

S.B. 1239, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CARY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 1240, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CARY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 1241, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 1242, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 1243, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 1244, A BILL TO BE ENTITLED AN ACT RELATING TO STATE AND LOCAL REVENUES.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Allran; Ballantine, Carpenter, Dalton, Dannelly, Forrester, Foxx, Garwood, Hartsell, Kinnaird, Lucas, Martin of Guilford, Purcell, Rand, Reeves and Rucho:

S.B. 1245, A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES.

Referred to **Judiciary I Committee**.

By Senators Allran; Ballantine, Carpenter, Dalton, Dannelly, Forrester, Foxx, Garwood, Hartsell, Kinnaird, Lucas, Martin of Guilford, Purcell, Rand, Reeves and Rucho:

S.B. 1246, A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES.

Referred to **Judiciary I Committee**.

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By Senators Allran; Ballantine, Carpenter, Dalton, Dannelly, Forrester, Foxx, Garwood, Hartsell, Kinnaird, Lucas, Martin of Guilford, Purcell, Rand, Reeves and Rucho:

S.B. 1247, A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES.

Referred to **Judiciary I Committee**.

By Senators Odom; Albertson, Ballance, Carter, Clodfelter, Cunningham, Dalton, Foxx, Garrou, Gulley, Hagan, Harris, Hoyle, Lee, Lucas, Metcalf, Miller, Plyler, Purcell, Reeves, Swindell, Thomas, Warren, Weinstein and Wellons:

S.B. 1248, A BILL TO BE ENTITLED AN ACT REDUCING THE COMPENSATION OF NONELECTED DEPARTMENT HEADS AND OTHER EXECUTIVE BRANCH OFFICIALS BY FIVE PERCENT FOR THE 2002-2003 FISCAL YEAR; CUTTING THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY BY FIVE PERCENT UNTIL THE CONVENING OF THE 2005 SESSION; AND URGING THE GOVERNOR, LIEUTENANT GOVERNOR, COUNCIL OF STATE MEMBERS, AND STATE JUSTICES AND JUDGES TO WAIVE VOLUNTARILY FIVE PERCENT OF THEIR STATE PAY FOR THE 2002-2003 FISCAL YEAR.

Referred to **Appropriations/Base Budget Committee**.

By Senators Odom; Albertson, Clodfelter and Kinnaird:

S.B. 1249, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET OF THE EXISTING SCRAP TIRE DISPOSAL TAX STRUCTURE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to **Finance Committee**.

By Senators Odom; Albertson, Clodfelter and Kinnaird:

S.B. 1250, A BILL TO BE ENTITLED AN ACT TO REDUCE THE NOTICE PERIOD PRIOR TO GRANTING OR DENYING A PERMIT TO DISCHARGE INTO SURFACE WATERS FROM FORTY-FIVE DAYS TO THIRTY DAYS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Odom; Albertson, Clodfelter and Kinnaird:

S.B. 1251, A BILL TO BE ENTITLED AN ACT TO MERGE THE DIVISION OF RADIATION PROTECTION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES INTO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO CREATE THE RADIATION PROTECTION SECTION OF THE DIVISION OF ENVIRONMENTAL HEALTH, AND TO MAKE CONFORMING STATUTORY CHANGES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Odom; Albertson, Clodfelter and Kinnaird:

S.B. 1252, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Odom; Clodfelter and Kinnaird:

S.B. 1253, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN ANIMAL WASTE MANAGEMENT SYSTEMS SHALL NOT QUALIFY FOR SPECIAL PROPERTY CLASSIFICATION AND EXCLUSION FROM THE TAX BASE PURSUANT TO G.S. 105-275(8) AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY ISSUES RELATED TO THE TAX EXCLUSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to **Finance Committee**.

By Senators Odom; Albertson and Kinnaird:

S.B. 1254, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Odom, Clodfelter, Kinnaird and Albertson:

S.B. 1255, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A RECYCLING PROGRAM FOR CERTAIN ELECTRONIC DEVICES AND TO IMPOSE A TAX ON THOSE DEVICES IN ORDER TO FUND THE PROGRAM AND TO PROVIDE LOCAL GOVERNMENTS WITH FUNDS TO ENABLE THEM TO RECYCLE ELECTRONIC DEVICES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to **Finance Committee**.

By Senators Odom; Clodfelter and Kinnaird:

S.B. 1256, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ALLOW A CRIMINAL DEFENDANT IN A NONCAPITAL CASE TO WAIVE A JURY TRIAL, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.

Referred to **Judiciary II Committee**.

By Senators Odom; Clodfelter and Kinnaird:

S.B. 1257, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGAL EFFECT OF THE USE OF ELECTRONIC TECHNOLOGY IN CRIMINAL PROCESS AND PROCEDURE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.

Referred to **Judiciary II Committee**.

By Senators Albertson; Clodfelter and Odom:

S.B. 1258, A BILL TO BE ENTITLED AN ACT TO REPEAL, AMEND, AND CODIFY VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; Clodfelter and Odom:

S.B. 1259, A BILL TO BE ENTITLED AN ACT TO AMEND THE FEES APPLICABLE TO HAZARDOUS WASTE GENERATORS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to **Finance Committee**.

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By Senators Albertson; Clodfelter and Odom:

S.B. 1260, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH CULTIVATION LEASES IN CORE SOUND AND TO DIRECT THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO STUDY VARIOUS MARINE FISHERIES ISSUES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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

By Senators Albertson; Clodfelter and Odom:

S.B. 1261, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; Clodfelter and Odom:

S.B. 1262, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ENTER INTO MUTUAL AID AGREEMENTS WITH LAW ENFORCEMENT AGENCIES ON BEHALF OF ITS SPECIAL PEACE OFFICERS WHO HAVE BEEN DESIGNATED FOR THE PURPOSE OF ENFORCING THE LAW GOVERNING THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to **Judiciary I Committee**.

By Senators Albertson; Clodfelter and Odom:

S.B. 1263, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Harris; Carter, Cunningham, Garrou, Metcalf, Odom, Robinson, Swindell and Thomas:

S.B. 1264, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO CRIMINAL HISTORY RECORD CHECKS OF EMPLOYEES OF LONG-TERM CARE PROVIDERS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kinnaird:

S.B. 1265, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kinnaird:

S.B. 1266, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

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By Senator Kinnaird:

S.B. 1267, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:

S.B. 1268, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF MONROE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

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

By Senator Purcell:

S.B. 1269, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS ISSUES AND TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Purcell:

S.B. 1270, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS ISSUES AND TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Purcell and Plyler:

S.B. 1271, A BILL TO BE ENTITLED AN ACT TO REGULATE THE USE OF CENTER-FIRE WEAPONS IN SCOTLAND COUNTY.

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

By Senators Purcell, Plyler; Albertson, Ballantine, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hoyle, Kerr, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Rand, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons:

S.B. 1272, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE COMMUNITY ALTERNATIVES PROGRAM FOR DISABLED ADULTS AND TO DIRECT THE NORTH CAROLINA INSTITUTE OF MEDICINE TO CONDUCT A STUDY ON IMPROVING THE COMMUNITY ALTERNATIVES PROGRAM FOR DISABLED ADULTS ADMINISTRATION.

Referred to **Appropriations/Base Budget Committee**.

By Senators Purcell, Plyler and Hartsell:

S.B. 1273, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONMENT OF JUNKED MOTOR VEHICLES IN THE CITY OF ALBEMARLE.

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

By Senators Bingham, Rand; Carrington and Hartsell:

S.B. 1274, A BILL TO BE ENTITLED AN ACT TO REGULATE PROFESSIONAL EMPLOYER ORGANIZATIONS.

Referred to **Commerce Committee**.

By Senators Dalton, Carter, Dannelly, Garrou, Lucas and Robinson:

S.B. 1275, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING

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OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

Referred to **Education/Higher Education Committee**.

By Senators Garrou, Carter, Dalton, Dannelly, Garwood, Lucas and Robinson:

S.B. 1276, A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION TO INCLUDE THE DUTY TO APPROVE INTERNET OR WEB-BASED COURSES.

Referred to **Education/Higher Education Committee**.

By Senators Allran; Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Moore, Rucho, Shaw of Guilford and Webster:

S.B. 1277, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION, SUBJECT TO APPROVAL OF THE VOTERS OF THE STATE, TO PROHIBIT THE GOVERNOR FROM WITHHOLDING LOCAL FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Allran; Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Moore, Rucho, Shaw of Guilford and Webster:

S.B. 1278, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Soles, Albertson, Thomas, Wellons and Ballantine:

S.B. 1279, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REINSURANCE FACILITY FOR HOMEOWNER'S INSURANCE IN NORTH CAROLINA.

Referred to **Insurance and Consumer Protection Committee**.

ADDITIONAL SPONSOR

Senator Foxx requests to be added as a sponsor of previously introduced legislation:

S.B. 1200, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE AGENCIES TO ENSURE THAT EVERY SCHOOL DEVELOP AND MAINTAIN AN INDIVIDUALIZED DIABETES CARE PLAN FOR A CHILD WITH DIABETES AT THE REQUEST OF THE CHILD'S PARENT OR GUARDIAN AND TO ASSIST THE CHILD WITH THE MANAGEMENT OF THE CHILD'S DIABETES IN ACCORDANCE WITH THE CHILD'S DIABETES CARE

PLAN, TO PROVIDE IMMUNITY FROM LIABILITY, TO DIRECT THE STATE BOARD OF EDUCATION TO DISSEMINATE GUIDELINES, AND TO APPROPRIATE FUNDS.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns at 10:36 A.M. to meet Monday, June 10, at 6:30 P.M.

ONE HUNDRED EIGHTY-FIRST DAY

Senate Chamber
Monday, June 10, 2002

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:

"Gracious God, teach us anew that it is impossible to do the full will of God without the guidance and the empowerment of a vital personal relationship with you.

"Devotional vitality and social action are emphasized in the two greatest Commandments: To love you with all our being and to love others as ourselves.

"Let that be the prescription that guides each of us as we begin a new week in the Senate. Amen."

The Chair grants leaves of absence for tonight to Senator Basnight, Senator Garwood, Senator Moore, Senator Warren, and Senator Weinstein.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of Thursday, June 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 Dr. Glenn D. Vogelsang from Cameron, North Carolina, who is serving the Senate as Doctor of the Day, and to Richard Snow from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

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:

H.B. 1484, A BILL TO BE ENTITLED AN ACT REPEALING THE SECTION OF THE CHARTER OF THE CITY OF TRINITY THAT PROHIBITS THE CITY COUNCIL FROM HOLDING CLOSED SESSIONS AS AUTHORIZED UNDER THE GENERAL LAW.

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

H.B. 1487, A BILL TO BE ENTITLED AN ACT TO EXTEND EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE

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REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW.

Referred to **Judiciary II Committee**.

Upon motion of Senator Ballance, seconded by Senator Soles, the Senate adjourns subject to introduction of bills, to meet tomorrow, Tuesday, June 11, at 2:00 P.M.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:

S.B. 1280, A BILL TO BE ENTITLED AN ACT TO SUBMIT A CONSTITUTIONAL AMENDMENT RELATING TO A STATE LOTTERY TO THE PEOPLE OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1281, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1282, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1283, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1284, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1285, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Forrester:

S.B. 1286, A BILL TO BE ENTITLED AN ACT RELATING TO THE 39TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Forrester:

S.B. 1287, A BILL TO BE ENTITLED AN ACT RELATING TO THE 39TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Martin of Pitt:

S.B. 1288, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BETHEL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES BEYOND ITS LIMITS SUBJECT TO THE APPROVAL

OF THE PITT COUNTY BOARD OF COMMISSIONERS.

Referred to **Finance Committee**.

By Senators Kinnaird and Lee:

S.B. 1289, A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH THE TOWN'S CEMETERY PERPETUAL CARE FUND AND TO APPROPRIATE ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OF MAINTAINING THE TOWN'S CEMETERIES.

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

By Senator Kerr:

S.B. 1290, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL LAWS OF THE 8TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kerr:

S.B. 1291, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL LAWS OF THE 8TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Kerr and Hoyle:

S.B. 1292, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL REVENUE LAWS.

Referred to **Finance Committee**.

By Senators Kerr and Hoyle:

S.B. 1293, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL REVENUE LAWS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Foxx (By Request) and Berger:

S.B. 1294, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE FORSYTH TECHNICAL COMMUNITY COLLEGE/STOKES COUNTY CENTER.

Referred to **Appropriations/Base Budget Committee**.

By Senator Weinstein:

S.B. 1295, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Weinstein:

S.B. 1296, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1297, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE AROUND EAGLE POINT NATURE PRESERVE ON HIGH ROCK LAKE RESERVOIR.

Referred to **Judiciary I Committee**.

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By Senator Carter:

S.B. 1298, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carter:

S.B. 1299, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Allran:

S.B. 1300, A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF NEWTON.

Referred to **Finance Committee**.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 6:45 P.M.

ONE HUNDRED EIGHTY-SECOND DAY

Senate Chamber
Tuesday, June 11, 2002

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:

"Loving God, hear the very personal thoughts and words that can only be communicated by the Senators and staff themselves as we observe a few moments of silent prayer.

"We especially remember during this time Senator Basnight and Mrs. Basnight and all the members of Lessie Tillett's family who mourn her passing but celebrate her life and time among them. Amen."

The Chair grants a leave of absence for today to Senator Warren.

Senator Webster announces that the Journal of yesterday, Monday, June 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 Sabrina Burris from Hamlet, North Carolina, who is serving the Senate as Nurse of the Day.

The Senate recesses at 2:10 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 E. Perdue, Lieutenant Governor.

June 11, 2002

WITHDRAWAL FROM COMMITTEE

S.J.R. 1229, A JOINT RESOLUTION HONORING JEREMIAH MORRIS, FOUNDER OF THE TOWN OF MORRISVILLE, ON THE TOWN'S 150TH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on June 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 withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

RECOGNITION OF THE HONORABLE KEVER CLARK

Upon motion of Senator Basnight, the privileges of the floor are extended to The Honorable Kever Clark from Jacksonville, NC, who is appointed to fill the unexpired term of the late Senator Luther H. Jordan in the Seventh Senatorial District.

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:

S.B. 1292, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL REVENUE LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8747, which changes the title to read **S.B. 1292** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE REVENUES TO SUPPORT THE CURRENT OPERATIONS OF STATE AND LOCAL GOVERNMENT AND TO UPDATE THE REFERENCE DATE TO THE INTERNAL REVENUE CODE USED TO DEFINE AND DETERMINE CERTAIN STATE TAX PROVISIONS, is adopted and engrossed.

CALENDAR

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

S.J.R. 1229, A JOINT RESOLUTION HONORING JEREMIAH MORRIS, FOUNDER OF THE TOWN OF MORRISVILLE, ON THE TOWN'S 150TH ANNIVERSARY, placed earlier on today's calendar.

Upon motion Senator Rand, the joint resolution is read in its entirety.

The joint resolution passes its second reading (46-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

Upon motion Senator Lucas and Senator Gulley, the President extends the courtesies of the gallery to Mayor Gordon Cromwell, Mayor Pro Tem Jan Faulkner, Commissioner Pete Martin, Commissioner Liz Johnson, and Town Manager David Hodgkins from Morrisville, North Carolina.

WITHDRAWAL FROM COMMITTEE

S.B. 1165, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL

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FINANCE LAWS, referred to the **Rules and Operations of the Senate Committee** on June 4.

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 Basnight, seconded by Senator Plyler, the Senate adjourns subject to introduction of bills, to meet tomorrow, Wednesday, June 12, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Purcell and Foxx:

S.B. 1301, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE STATEWIDE FOLIC ACID CAMPAIGN.

Referred to **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1302, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S EFFICIENCY COMMISSION.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.J.R. 1303, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS.

Referred to **Commerce Committee**.

By Senator Carpenter:

S.B. 1304, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO TRANSYLVANIA COUNTY TO CONSTRUCT AND EQUIP A LEARNING AND TECHNOLOGY CENTER.

Referred to **Appropriations/Base Budget Committee**.

By Senators Harris; Allran and Foxx:

S.B. 1305, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Referred to **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Harris:

S.B. 1306, A BILL TO BE ENTITLED AN ACT TO AMEND PROVISIONS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Harris:

S.B. 1307, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS

PAYABLE FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Referred to **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Harris:

S.B. 1308, A BILL TO BE ENTITLED AN ACT RELATING TO THE 15TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Harris:

S.B. 1309, A BILL TO BE ENTITLED AN ACT RELATING TO THE 15TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Harris:

S.B. 1310, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF PRINCETON.

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

By Senator Harris:

S.B. 1311, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANNEXATION OF TERRITORY IN THE BUIES CREEK FIRE OR RESCUE DISTRICT WITHOUT THE APPROVAL OF THE BOARD OF DIRECTORS OF THE BUIES CREEK FIRE AND RESCUE DISTRICT.

Referred to **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Harris:

S.B. 1312, A BILL TO BE ENTITLED AN ACT TO CHANGE THE COMPOSITION OF THE TOWN OF ANGIER BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

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

By Senator Odom; Allran and Fox:

S.B. 1313, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MAINTAIN A NO-CALL REGISTRY FOR CONSUMERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATION CALLS AND TO INCREASE THE PROTECTIONS FOR CONSUMERS IN TRANSACTIONS INITIATED BY TELEMARKETERS.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Kinnaird; Dannelly, Gulley and Lucas:

S.B. 1314, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CIGARETTE TAX FROM FIVE CENTS A PACK TO FIFTY CENTS A PACK.

Referred to **Finance Committee**.

By Senator Gulley:

S.B. 1315, A BILL TO BE ENTITLED AN ACT TO ENACT THE PAYDAY LENDING ACT OF 2002.

Referred to **Rules and Operations of the Senate Committee**.

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By Senators Gulley and Lucas:

S.B. 1316, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN GRANVILLE COUNTY.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:00 P.M.

ONE HUNDRED EIGHTY-THIRD DAY

Senate Chamber
Wednesday, June 12, 2002

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, with the Senate Budget Proposal coming into focus, we pray for the debate that ensues.

"We can't possibly walk in the shoes of every person who feels disenfranchised, but we can walk toward them and hear their stories.

"When people are heard and understood, their fear is displaced and a bridge of communication is constructed. Amen."

The Chair grants leaves of absence for today to Senator Basnight, Senator Martin of Pitt and Senator Warren.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, June 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.

The President of the Senate extends courtesies of the floor to Dr. Lynn A. Hughes from Concord, North Carolina, who is serving the Senate as Doctor of the Day, and to Cherry Beasley from Lumberton, North Carolina, who is serving the Senate as Nurse of the Day.

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:

H.B. 1488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES.

Referred to **Judiciary I Committee**.

Upon motion of Senator Forrester and Senator Hoyle, the Chair extends the courtesies

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of the gallery to Miss Heather Gunter, who is nine years of age and who recently won the award the "Proudest Kid in Gaston County." She was the winner of this award from the Gaston Together Grassroots Community Group. She is here with her mother, Debbie Garrison, and her brother, Christopher Gunter.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Hagan:

S.B. 1317, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hagan:

S.B. 1318, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hagan:

S.B. 1319, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hagan:

S.B. 1320, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hagan:

S.B. 1321, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Cunningham:

S.B. 1322, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LOGO ON THE ROCKY MOUNTAIN ELK FOUNDATION SPECIAL REGISTRATION PLATE.

Referred to **Transportation Committee**.

By Senator Cunningham:

S.B. 1323, A BILL TO BE ENTITLED AN ACT TO CREATE A STATE EARNED INCOME TAX CREDIT.

Referred to **Finance Committee**.

By Senator Cunningham:

S.B. 1324, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO RECOMMEND AND THE BOARD OF TRANSPORTATION TO APPROVE CERTAIN TRANSPORTATION IMPROVEMENT PROGRAM PROJECTS.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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By Senators Cunningham and Kinnaird:

S.B. 1325, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FARMLAND PRESERVATION TRUST FUND.

Referred to **Appropriations/Base Budget Committee**.

By Senator Cunningham:

S.B. 1326, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON TO IMPOSE TERM LIMITS ON THE MEMBERS OF THE CITY'S UTILITIES COMMISSION.

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

By Senators Cunningham; Kinnaird, Reeves and Thomas:

S.B. 1327, A BILL TO BE ENTITLED AN ACT TO REINSTATE THE CHILD HEALTH INSURANCE TAX CREDIT.

Referred to **Finance Committee**.

By Senator Cunningham:

S.B. 1328, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ANNUAL TRANSFER OF HIGHWAY USE TAX COLLECTIONS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND AND TO PROVIDE THAT THOSE FUNDS SHALL BE USED BY THE DEPARTMENT OF TRANSPORTATION FOR HIGHWAY MAINTENANCE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rand:

S.B. 1329, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PAY THE NONBETTERMENT RELOCATION COST FOR MOVING A COUNTY-OWNED GAS LINE LOCATED ON A DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY IF THE GAS LINE MUST BE MOVED DUE TO A DEPARTMENT OF TRANSPORTATION CONSTRUCTION PROJECT.

Referred to **Transportation** Committee and upon a favorable report, re-referred to the **Appropriations/Base Budget** Committee.

By Senator Clodfelter:

S.B. 1330, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS ISSUES AND APPROPRIATING FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1331, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS ISSUES AND APPROPRIATING FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1332, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG.

Referred to **Rules and Operations of the Senate Committee**.

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By Senator Clodfelter:

S.B. 1333, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CORNELIUS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1334, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF PINEVILLE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1335, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF HUNTERSVILLE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1336, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1337, A BILL TO BE ENTITLED AN ACT RELATING TO THE CHARLOTTE-MECKLENBURG SCHOOL BOARD.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1338, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MATTHEWS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1339, A BILL TO BE ENTITLED AN ACT AFFECTING ELECTRONIC SIGNATURES AND PLATS FILED WITH THE MECKLENBURG COUNTY REGISTER OF DEEDS.

Referred to **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 1340, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF DAVIDSON.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1341, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MINT HILL.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1342, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL REVENUE LAWS.

Referred to **Rules and Operations of the Senate Committee**.

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By Senators Garwood and Moore:

S.B. 1343, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE YADKIN COUNTY AND THE TOWN OF JONESVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to **Finance Committee**.

By Senator Soles:

S.B. 1344, A BILL TO BE ENTITLED AN ACT TO PROVIDE A ONE-TIME EXTENSION TO THE TIME PERIOD IN WHICH A TAXPAYER MAY SIGN A LETTER OF COMMITMENT WITH THE DEPARTMENT OF COMMERCE TO QUALIFY FOR A LOWER TIER DESIGNATION.

Referred to **Finance Committee**.

By Senator Rand:

S.B. 1345, A BILL TO BE ENTITLED AN ACT TO PREVENT IDENTITY THEFT THROUGH UNLAWFUL USE OF SCANNING DEVICES.

Referred to **Judiciary I Committee**.

By Senators Berger and Foxx:

S.B. 1346, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS.

Referred to **Finance Committee**.

By Senator Albertson:

S.B. 1347, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DUPLIN.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Albertson:

S.B. 1348, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PENDER.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Albertson:

S.B. 1349, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SAMPSON.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Harris:

S.B. 1350, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROHIBITION AGAINST HUNTING FROM THE RIGHT-OF-WAY IN HARNETT COUNTY.

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

By Senator Harris:

S.B. 1351, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REGULATING FOXHUNTING IN HARNETT COUNTY.

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

By Senator Clodfelter:

S.B. 1352, A BILL TO BE ENTITLED AN ACT TO EXPAND THE PURPOSES FOR WHICH MUNICIPALITIES MAY USE SPECIAL OBLIGATION BONDS.

Referred to **Finance Committee**.

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By Senator Clodfelter:

S.B. 1353, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

Referred to **Judiciary I Committee**.

By Senator Martin of Pitt:

S.B. 1354, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Martin of Pitt:

S.B. 1355, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Martin of Pitt:

S.B. 1356, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 1357, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO DURHAM COUNTY OCCUPANCY TAX PROVISIONS.

Referred to **Finance Committee**.

By Senator Gulley:

S.B. 1358, A BILL TO BE ENTITLED AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN PRIOR RECORD LEVELS MORE PROPORTIONATE USING A SET PERCENTAGE INCREMENT.

Referred to **Judiciary I Committee**.

By Senator Swindell:

S.B. 1359, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Swindell:

S.B. 1360, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Swindell:

S.B. 1361, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Odom:

S.B. 1362, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF AN OUT-

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OF-STATE INSTITUTION IN CERTAIN CIRCUMSTANCES HAS A MAIN PERMANENT CAMPUS LOCATED IN NORTH CAROLINA. THE SCHOLARSHIP FUNDS AND LEGISLATIVE TUITION GRANTS AVAILABLE THROUGH THE STATE EDUCATION ASSISTANCE AUTHORITY ARE ALSO AVAILABLE TO NORTH CAROLINA RESIDENTS WHO ENROLL AT THE NORTH CAROLINA CAMPUS.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Shaw of Cumberland:

S.B. 1363, A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY AND THE DESIRABILITY OF CONSTRUCTING AND ESTABLISHING A DAM AND RESERVOIR TO BE LOCATED ON THE CAPE FEAR RIVER IN CUMBERLAND COUNTY AND OF ADDING THIS AREA TO THE STATE PARKS SYSTEM AND TO APPROPRIATE FUNDS FOR THE STUDY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hagan:

S.B. 1364, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Hagan; Martin of Guilford and Shaw of Guilford:

S.B. 1365, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

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

By Senators Hagan and Martin of Guilford:

S.B. 1366, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO REQUIRE OWNERS OF RESIDENTIAL PROPERTY TO REPAIR HOUSING TO MEET MINIMUM CODE STANDARDS.

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

By Senators Kerr and Ballance:

S.B. 1367, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BERTIE AND GREENE COUNTIES MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

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

By Senators Foxx; Albertson, Allran, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Forrester, Garrou, Garwood, Gulley, Hagan, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons:

S.J.R. 1368, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MYRTLE ELEANOR "LULU BELLE" COOPER WISEMAN STAMEY, FORMER MEMBER OF THE GENERAL ASSEMBLY, AND CELEBRATING THE YEAR OF THE APPALACHIA.

Referred to **Rules and Operations of the Senate Committee**.

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By Senators Purcell, Plyler; Albertson, Ballance, Carter, Cunningham, Dalton, Gulley, Hagan, Kinnaird, Lucas, Martin of Guilford, Reeves, Soles, Swindell and Wellons:

S.B. 1369, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE COMMUNITY ALTERNATIVES PROGRAM FOR MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS (CAP-MR/DD) AND TO DIRECT THE DEPARTMENT TO REVIEW METHODS OF IMPROVING THE PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senators Plyler and Purcell:

S.B. 1370, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE NASCAR DRIVER THEME SPECIAL REGISTRATION PLATES.

Referred to **Finance Committee**.

CALENDAR

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

S.B. 1292 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE REVENUES TO SUPPORT THE CURRENT OPERATIONS OF STATE AND LOCAL GOVERNMENT AND TO UPDATE THE REFERENCE DATE TO THE INTERNAL REVENUE CODE USED TO DEFINE AND DETERMINE CERTAIN STATE TAX PROVISIONS, upon second reading.

Senator Hoyle offers Amendment No. 1 which is adopted (46-0).

Senator Martin of Guilford offers Amendment No. 2 which is adopted (37-9).

Senator Hoyle offers Amendment No. 3.

Senator Allran offers Amendment No. 4 as a perfecting amendment to Amendment No. 3. which fails of adoption (16-30).

Amendment No. 3 is adopted (45-1), and changes the title to read **S.B. 1292** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE REVENUES TO SUPPORT THE CURRENT OPERATIONS OF STATE AND LOCAL GOVERNMENT, TO UPDATE THE REFERENCE DATE TO THE INTERNAL REVENUE CODE USED TO DEFINE AND DETERMINE CERTAIN STATE TAX PROVISIONS, AND TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR.

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

Senator Ballantine offers Amendment No. 5.

Senator Odom offers a motion that Amendment No. 5 lie upon the table, seconded by Senator Lee.

The motion to table Amendment No. 5 prevails (30-15).

Senator Kerr calls the previous question through the passage of the bill, seconded by Senator Dalton. The call is sustained (30-15).

Senator Webster offers a motion to adjourn, seconded by Senator Ballantine. The motion fails (15-30).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 29, noes 16, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Carter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Harris, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Weinstein and Wellons—29.

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Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Clodfelter, Forrester, Foxx, Garwood, Hartsell, Horton, Moore, Rucho, Shaw of Guilford and Webster—16.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Thursday, June 13, upon third reading.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Saurabh Pal Aneja, Raleigh; Jennifer Flaherty, Raleigh; Fulton McGrigor Forde, Raleigh; Allison Marie Greenan, Raleigh; Kennan Hedrick, Raleigh; T. Autumn Helton, Denver; Jamie Hopkins, Raleigh; Lindsey Huggins, Dallas; Edward Richard Jones, Greenville; Laura Elizabeth Padgett, Ellenboro; Adam Pedersen, Cary; Kathryn Pedersen, Cary; Danielle Ratliff, Marion; Andrea Elizabeth Smith, Morehead City; Brien Wayne Tarkington, Columbia; Blake Anthony Tedder, Rocky Mount; Audra Marie Tessnear, Bostic; Trae Bradford White, Greensboro; Mary Ellen Whitford, Morehead City; Alexander James Wilson, Cary; Joshua R. Wordsworth, Rocky Mount.

ADDITIONAL SPONSOR

Senator Albertson, Senator Cunningham, Senator Dalton, Senator Swindell and Senator Thomas request to be added as a sponsor of previously introduced legislation:

S.B. 1313, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MAINTAIN A NO-CALL REGISTRY FOR CONSUMERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATION CALLS AND TO INCREASE THE PROTECTIONS FOR CONSUMERS IN TRANSACTIONS INITIATED BY TELEMARKETERS.

Upon motion of Senator Ballance, seconded by Senator Carter, the Senate adjourns at 3:33 P.M. to meet tomorrow, Thursday, June 13, at 9:00 A.M.

ONE HUNDRED EIGHTY-FOURTH DAY

Senate Chamber
Thursday, June 13, 2002

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, the poet Longfellow wrote, 'He speaketh not; and yet there lies a conversation in his eyes.'

"The stress produced by the tough decisions that must be made by the men and women of the Senate is already evident on their faces and in their eyes.

"No one solution will satisfy all the demands that must be addressed during this session. Many of the rest of us haven't had to 'stick our necks out' since we were the age of the Senate pages. We built personal comfort zones.

"The Senators, however, must do it everyday. Honor their risk-taking with the reward of a solution that benefits the most people. Amen."

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The Chair grants leaves of absence for today to Senator Basnight, Senator Berger, Senator Garwood, Senator Gulley, Senator Hagan, Senator Hoyle, Senator Martin of Pitt, Senator Rucho and Senator Warren.

Senator Rand, announces that the Journal of yesterday, Wednesday, June 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.

The President of the Senate extends courtesies of the floor to Dr. Charles H. Duckett from Bath, North Carolina, who is serving the Senate as Doctor of the Day, and to Dottie Oakes from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 1078 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE BY IMPOSING LIMITS ON THE EMISSION OF CERTAIN POLLUTANTS FROM CERTAIN FACILITIES THAT BURN COAL TO GENERATE ELECTRICITY AND TO PROVIDE FOR RECOVERY BY ELECTRIC UTILITIES OF THE COST OF ACHIEVING COMPLIANCE WITH THOSE LIMITS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 18.

CALENDAR

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

S.B. 1292 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE REVENUES TO SUPPORT THE CURRENT OPERATIONS OF STATE AND LOCAL GOVERNMENT AND TO UPDATE THE REFERENCE DATE TO THE INTERNAL REVENUE CODE USED TO DEFINE AND DETERMINE CERTAIN STATE TAX PROVISIONS, upon third reading, as amended upon second reading.

Senator Forrester announces a pair vote. If Senator Hoyle were present, he would vote "aye"; Senator Forrester votes "no".

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

Senator Lee announces a pair vote. If Senator Rucho were present, he would vote "no"; Senator Lee votes "aye".

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 25, noes 11, as follows:

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

Voting in the negative: Senators Allran, Ballantine, Carpenter, Carrington, Clodfelter, Foxx, Hartsell, Horton, Moore, Shaw of Guilford and Webster—11.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

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INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Purcell and Plyler:

S.B. 1371, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS.

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

By Senator Cunningham:

S.B. 1372, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Cunningham:

S.B. 1373, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carpenter:

S.B. 1374, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR MANDATORY WORK BREAKS FOR RETAIL EMPLOYEES.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Allran:

S.B. 1375, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CATAWBA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Allran:

S.B. 1376, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF HICKORY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Allran:

S.B. 1377, A BILL TO BE ENTITLED AN ACT RELATING TO THE 26TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Allran:

S.B. 1378, A BILL TO BE ENTITLED AN ACT RELATING TO THE 26TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Allran:

S.B. 1379, A BILL TO BE ENTITLED AN ACT RELATING TO THE 26TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

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By Senator Allran:

S.B. 1380, A BILL TO BE ENTITLED AN ACT RELATING TO THE 26TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Forrester; Berger, Foxx and Webster:

S.B. 1381, A BILL TO BE ENTITLED AN ACT TO CREATE A FUND FOR PERSONS WHO WISH TO VOLUNTARILY PAY MORE TAXES.

Referred to **Finance Committee**.

By Senators Forrester; Allran, Garwood, Kinnaird and Webster:

S.B. 1382, A BILL TO BE ENTITLED AN ACT TO AMEND THE INCOME TAX CREDIT FOR LONG-TERM CARE INSURANCE AND TO CREATE AN INCOME TAX CREDIT FOR INDIVIDUALS WITH LONG-TERM CARE NEEDS.

Referred to **Finance Committee**.

By Senator Carter:

S.B. 1383, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WORLD TRADE CENTER NORTH CAROLINA TO ENABLE THE CENTER TO DEVELOP AND SUSTAIN INTERNATIONAL TRADE EDUCATION PROGRAMS, PROVIDE OTHER SUPPORT FOR SMALL AND MEDIUM-SIZED BUSINESSES ACROSS THE STATE AND, IN KEEPING WITH THE MISSION OF THE WORLD TRADE CENTER HEADQUARTERS IN NEW YORK, PROMOTE PEACE AND STABILITY THROUGH TRADE BETWEEN NORTH CAROLINA AND THE WORLD.

Referred to **Appropriations/Base Budget Committee**.

By Senators Forrester; Kinnaird and Garwood:

S.B. 1384, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A STATEWIDE TWENTY-FOUR-HOUR TOLL-FREE NURSE-TRIAGE HOT LINE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Thomas; Clodfelter, Cunningham, Dalton, Gulley, Metcalf, Rand, Swindell and Wellons:

S.B. 1385, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST IMPAIRED DRIVING BY INCREASING THE PUNISHMENT FOR FELONY DEATH BY VEHICLE AND CREATING THE OFFENSE OF FELONY SERIOUS INJURY BY VEHICLE.

Referred to **Judiciary II Committee**.

By Senators Carter; and Martin of Guilford:

S.B. 1386, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT INCENTIVE AWARDS UNDER THE ABCs PROGRAM ARE PAID ONLY TO EMPLOYEES OF SCHOOLS THAT EDUCATE ALL OF THEIR STUDENTS AND TO APPROPRIATE FUNDS FOR THOSE INCENTIVE AWARDS.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Carter; and Martin of Guilford:

S.B. 1387, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT INCENTIVE AWARDS UNDER THE ABCs PROGRAM ARE PAID ONLY TO EMPLOYEES OF SCHOOLS THAT EDUCATE ALL OF THEIR STUDENTS AND TO APPROPRIATE

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FUNDS FOR THOSE INCENTIVE AWARDS.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Ballantine:

S.B. 1388, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Ballantine:

S.B. 1389, A BILL TO BE ENTITLED AN ACT TO MAKE AVAILABLE COMPREHENSIVE HEALTH INSURANCE FOR HIGH-RISK INDIVIDUALS THROUGH A HIGH-RISK POOL.

Referred to **Insurance and Consumer Protection Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hagan:

S.B. 1390, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENSBORO TO ENGAGE IN CONDITIONAL ZONING.

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

By Senator Clodfelter:

S.B. 1391, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

Referred to **Pensions & Retirement and Aging Committee**.

By Senator Clodfelter:

S.B. 1392, A BILL TO BE ENTITLED AN ACT TO REDUCE THE REQUIRED STORAGE PERIOD FOR UNCLAIMED PROPERTY HELD BY LAW ENFORCEMENT IN MECKLENBURG COUNTY.

Referred to **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 1393, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE REGULATION OF TAXIS TO COMPLY WITH FBI STANDARDS REGARDING NON-LAW ENFORCEMENT CRIMINAL BACKGROUND CHECKS.

Referred to **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 1394, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF CHARLOTTE MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY.

Referred to **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 1395, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY FOR PASSENGER RAIL SERVICES IN THE CITY OF CHARLOTTE.

Referred to **Judiciary I Committee**.

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By Senator Clodfelter:

S.B. 1396, A BILL TO BE ENTITLED AN ACT TO CONVERT PART OF THE ELECTRIC POWER COMPANY GROSS RECEIPTS TAX TO A LOCAL OPTION GROSS RECEIPTS TAX AND TO CONVERT PART OF THE PIPED NATURAL GAS EXCISE TAX TO A LOCAL OPTION EXCISE TAX.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 1397, A BILL TO BE ENTITLED AN ACT TO ESTABLISH TIERED JOB CREATION THRESHOLDS FOR THE CREDIT FOR CREATING JOBS; TO RAISE THE INVESTMENT THRESHOLD FOR THE CREDIT FOR INVESTING IN MACHINERY AND EQUIPMENT; TO ESTABLISH TIER RATES FOR THE CREDIT FOR INVESTING IN MACHINERY AND EQUIPMENT; TO MODIFY THE WAGE STANDARD FOR THE CREDIT FOR WORKER TRAINING; TO MODIFY THE WAGE STANDARD FOR TIER ONE AND TWO COUNTIES; TO PROVIDE RECURRING FUNDS FOR THE INDUSTRIAL RECRUITMENT COMPETITIVE FUND; TO ENACT A JOB DEVELOPMENT INVESTMENT GRANT PROGRAM TO IMPROVE NORTH CAROLINA'S COMPETITIVENESS IN ECONOMIC DEVELOPMENT AND THE RECRUITMENT AND RETENTION OF NEW BUSINESS AND INDUSTRIAL PROJECTS AND EXPANSIONS; AND TO EXTEND THE TAX CREDIT FOR QUALIFIED BUSINESS INVESTMENTS.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 1398, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PROMPT PAYMENT OF INVOICES SUBMITTED BY HEALTH CARE FACILITIES AND HEALTH CARE PROVIDERS FOR SERVICES RENDERED UNDER CONTRACT WITH AREA AUTHORITIES OR COUNTY PROGRAMS.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Gulley:

S.B. 1399, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO EVEN OUT THE REMAINING RANGES.

Referred to **Judiciary I Committee**.

By Senator Gulley:

S.B. 1400, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF SPECIAL PROBATION TO REMOVE THE SIX-MONTH LIMITATION ON THE PERIOD OF IMPRISONMENT.

Referred to **Judiciary I Committee**.

By Senator Gulley:

S.B. 1401, A BILL TO BE ENTITLED AN ACT TO REALLOCATE THREE MONTHS FROM THE MINIMUM SENTENCE OF CLASSES B1 THROUGH E TO THE MAXIMUM SENTENCE, AND TO INCREASE THE PERIOD OF POST-RELEASE SUPERVISION FROM NINE MONTHS TO TWELVE MONTHS.

Referred to **Judiciary I Committee**.

By Senators Kerr and Hoyle:

S.B. 1402, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL

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REVENUE LAWS.

Referred to **Finance Committee**.

By Senators Kerr and Hoyle:

S.B. 1403, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL REVENUE LAWS.

Referred to **Finance Committee**.

By Senators Kerr and Hoyle:

S.B. 1404, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL REVENUE LAWS.

Referred to **Finance Committee**.

By Senators Kerr and Hoyle:

S.B. 1405, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL REVENUE LAWS.

Referred to **Finance Committee**.

By Senators Kerr and Hoyle:

S.B. 1406, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL FINANCE LAWS.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 1407, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONTRACT RIGHT REGARDING THE TIMING OF PAYMENTS UNDER CONTRACTS REQUIRING REIMBURSEMENT OF FEDERAL FUEL EXCISE TAXES.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 1408, 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.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 1409, A BILL TO BE ENTITLED AN ACT TO MAKE TAX REFUND PROCEDURES EASIER BY PROVIDING THAT REFUND CLAIMS BASED ON CONSTITUTIONAL ISSUES FOLLOW THE SAME PROCEDURE AS OTHER REFUND CLAIMS, AND BY ALLOWING TAXPAYERS TO FILE PROTECTIVE REFUND CLAIMS.

Referred to **Finance Committee**.

By Senators Garrou; Carter, Hagan, Lee and Rand:

S.B. 1410, A BILL TO BE ENTITLED AN ACT TO AMEND TAX LAWS RELATED TO INTERSTATE AIR COURIERS.

Referred to **Finance Committee**.

By Senators Dannelly; Clodfelter and Odom:

S.B. 1411, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF

CHARLOTTE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

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

By Senators Dannelly; Clodfelter and Odom:

S.B. 1412, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO REPEAL CERTAIN OPTIONAL RIGHTS OF THE CITY MANAGER, TO AUTHORIZE THE CITY MANAGER TO ACCEPT PROPERTY OFFERED FOR PUBLIC DEDICATION, TO REPEAL THE SECTION THAT PROHIBITS THE CITY MANAGER FROM AWARDED CONTRACTS THAT EXCEED FIFTY THOUSAND DOLLARS, AND TO MOVE A CERTAIN SECTION FROM CHAPTER FOUR TO CHAPTER EIGHT FOR ORGANIZATIONAL PURPOSES.

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

By Senators Dannelly, Clodfelter; and Rucho:

S.B. 1413, A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO THE CHARLOTTE-MECKLENBURG SCHOOLS.

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

By Senators Dannelly, Clodfelter; Odom and Rucho:

S.B. 1414, A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL FLEXIBILITY WITH REGARD TO THE PURCHASE OF TEXTBOOKS TO THE CHARLOTTE-MECKLENBURG SCHOOLS.

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

By Senator Rand:

S.B. 1415, A BILL TO BE ENTITLED AN ACT TO PROVIDE REVENUE BOND FINANCING FOR PRIVATE PROJECTS PERFORMING A PUBLIC PURPOSE THROUGH RESEARCH AND RELATED FACILITIES.

Referred to **Finance Committee**.

By Senators Kerr; and Hoyle:

S.B. 1416, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LOW-INCOME HOUSING TAX CREDIT.

Referred to **Finance Committee**.

By Senators Kinnaird and Lee:

S.B. 1417, A BILL TO BE ENTITLED AN ACT TO ADD THE OCCANEECHI BAND OF THE SAPONI NATION TO MEMBERSHIP ON THE NORTH CAROLINA STATE COMMISSION OF INDIAN AFFAIRS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Berger; and Foxx:

S.B. 1418, A BILL TO BE ENTITLED AN ACT TO UPDATE THE AUTHORITY FOR FUNDING OF AIRPORT IMPROVEMENTS BY THE ROCKINGHAM COUNTY AIRPORT AUTHORITY.

Referred to **Finance Committee**.

By Senators Harris; and Clodfelter:

S.B. 1419, A BILL TO BE ENTITLED AN ACT TO CHANGE THE REQUIREMENTS REGARDING HOW A PASS-THROUGH ENTITY MAY

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ALLOCATE A HOUSING TAX CREDIT TO ITS OWNERS.

Referred to **Finance Committee**.

By Senators Gulley; Carter, Metcalf and Robinson:

S.B. 1420, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PENALTIES AGAINST IMPROPER AND COERCIVE POLITICAL FUNDRAISING PRACTICES AGAINST STATE EMPLOYEES AND TO APPLY THE LAW TO ALL STATE EMPLOYEES.

Referred to **Judiciary I Committee**.

By Senator Gulley:

S.B. 1421, A BILL TO BE ENTITLED AN ACT TO AMEND THE MORTGAGE LENDING ACT TO AUTHORIZE LICENSURE OF INSURANCE AGENT LOAN OFFICERS AND TO AUTHORIZE A FEE FOR THEIR LICENSURE.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Wellons; Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Dalton, Forrester, Foxx, Garrou, Garwood, Gulley, Hartsell, Horton, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Purcell, Reeves, Rucho, Webster and Weinstein:

S.J.R. 1422, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ILENE B. NELSON, ADVOCATE FOR ABUSED AND NEGLECTED CHILDREN.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Wellons:

S.B. 1423, A BILL TO BE ENTITLED AN ACT TO DIRECT THE GOVERNOR TO ENTER INTO A COMPACT WITH THE STATES OF SOUTH CAROLINA, VIRGINIA, AND GEORGIA FOR RETURN OF A PORTION OF THE LOTTERY PROCEEDS IN THOSE STATES ATTRIBUTABLE TO SALES TO NORTH CAROLINIANS IN EXCHANGE FOR THE ABATEMENT OF THE CONSIDERATION OF ESTABLISHING A NORTH CAROLINA LOTTERY FOR A PERIOD OF FIVE YEARS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Clodfelter, Rucho, Metcalf; Allran, Ballantine, Berger, Carpenter, Cunningham, Hartsell, Hoyle, Lee, Moore, Reeves and Soles:

S.B. 1424, A BILL TO BE ENTITLED AN ACT TO CREATE A TRAVEL AND TOURISM CAPITAL INCENTIVE GRANT PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senator Harris:

S.B. 1425, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF CULTURAL RESOURCES TO ERECT A SECOND HISTORICAL MARKER COMMEMORATING AN INDIVIDUAL.

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

By Senator Harris:

S.B. 1426, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHANGES TO CERTAIN MENTAL HEALTH REFORM INITIATIVES.

Referred to **Children & Human Resources Committee**.

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By Senator Harris:

S.B. 1427, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF LEE TO CONVEY THE GOLDEN POULTRY/GOLD KIST WATER PLANT AT PRIVATE SALE.

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

By Senator Harris:

S.B. 1428, A BILL TO BE ENTITLED AN ACT TO GUARANTEE THAT EACH RETIRED MEMBER OF THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM RECEIVING RETIREMENT ALLOWANCES SHALL RECEIVE BENEFITS IN AN AMOUNT NOT LESS THAN THE ACCUMULATED CONTRIBUTIONS OF THE RETIREE AT RETIREMENT.

Referred to **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Harris:

S.B. 1429, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO CONFORM WITH THE PROVISIONS OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

Referred to **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Plyler and Purcell:

S.B. 1430, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT WAIVERS FOR SCHOOLS THAT ARE UNABLE TO IMPLEMENT THE HIGH- PRIORITY SCHOOL PROGRAM FOR THE 2002-2003 FISCAL YEAR AND TO USE FUNDS SAVED AS A RESULT OF THE WAIVERS TO OFFSET BASE BUDGET REDUCTIONS IN THE STATE PUBLIC SCHOOL FUND.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Wellons:

S.B. 1431, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ELECTION LAW REFORM ACT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Allran:

S.B. 1432, A BILL TO BE ENTITLED AN ACT TO MODIFY THE BUSINESS OPERATIONS OF THE HOSIERY TECHNOLOGY CENTER AT CATAWBA VALLEY COMMUNITY COLLEGE.

Referred to **Finance Committee**.

REMOVAL OF BILL CO-SPONSOR

Senator Foxx requests to be removed as a sponsor of previously introduced legislation:

S.B. 1313, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MAINTAIN A NO-CALL REGISTRY FOR CONSUMERS WHO WISH TO STOP UNWANTED

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TELEPHONE SOLICITATION CALLS AND TO INCREASE THE PROTECTIONS FOR CONSUMERS IN TRANSACTIONS INITIATED BY TELEMARKETERS.

Upon motion of Senator Rand, seconded by Senator Soles, the Senate adjourns at 9:24 A.M. to meet Monday, June 17, at 7:15 P.M.

ONE HUNDRED EIGHTY-FIFTH DAY

Senate Chamber
Monday, June 17, 2002

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:

"If we believe what we prayed for a few minutes ago, O God, help us to experience courage in adversity and joy in accomplishment through your leading this week. Amen."

The Chair grants leaves of absence for tonight to Senator Harris, Senator Thomas, Senator Warren and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, June 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.

The President of the Senate extends courtesies of the floor to Dr. Stephen P. Montgomery from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Dennis Sherrod from Sims, North Carolina, who is serving the Senate as Nurse of the Day.

SEATING OF THE HONORABLE KEVER CLARK

The President recognizes Senator Basnight, President *Pro Tempore*, who announces that The Honorable Kever Martin Clark awaits at the door to enter the Chamber to take her seat as a member of the Senate. Senator Basnight appoints Senator Ballance, Chairman; Senator Soles; Senator Albertson; Senator Weinstein; Senator Rand; Senator Ballantine; and Senator Kinnaird as the Committee to escort Senator Kever Martin Clark to the Well of the Senate.

The President instructs the Reading Clerk to read the Proclamation from The Governor appointing Senator Kever Clark, as follows:

THE APPOINTMENT OF KEVER MARTIN CLARK

2001-2002

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

June 17, 2002

WHEREAS, the Honorable Luther Henry Jordan, Jr., elected Senator from the Seventh District 2001-2002 General Assembly, has died in office; and

WHEREAS, the provisions of General Statute §163-11 require that the vacancy created by the death of the Honorable Luther Henry Jordan, Jr. be filled by appointment of the person recommended by the Seventh District State Senate District Executive Committee of the Democratic Party; and

WHEREAS, the Seventh District State Senate District Executive Committee of the Democratic Party has notified me of its recommendation of Kever Martin Clark of Onslow County, North Carolina, to fill the said vacancy,

I do by these presents appoint

KEVER MARTIN CLARK

as a member of the

SENATE

2001-2002 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 10th day of June, 2002.

S/ Michael F. Easley
Governor

ATTEST:
S/Elaine F. Marshall
Secretary of State

(Senator Clark was administered the oath of office on June 13, 2002, by The Honorable Carol Jones, District Court Judge, Judicial District 4.)

Senator Clark is escorted to Seat No. 8.

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. 1490 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

Referred to **Finance Committee**.

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H.B. 1504, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE ATTESTATION REQUIREMENT THAT CONVEYANCES BY BANKS MUST BE EXECUTED BY THE SECRETARY OR THE CASHIER AND TO VALIDATE CONVEYANCES BY BANKS THAT OTHERWISE COMPLY WITH THE STATUTE ON EXECUTION OF CORPORATE CONVEYANCES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary II Committee**.

H.B. 1505, A BILL TO BE ENTITLED AN ACT TO AMEND THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO BYLAWS TO CONFORM TO THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO ARTICLES OF INCORPORATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 1513, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE RECENT ESTABLISHMENT OF A ROLLING UPSET BID PROCEDURE FOR JUDICIAL AND EXECUTION SALES DID NOT AFFECT THE REQUIREMENT THAT SALES BE CONFIRMED BY THE APPROPRIATE JUDICIAL OFFICIAL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.J.R. 1522, A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

COMMITTEE APPOINTMENTS

Pursuant to Rule 31, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Clark to the following standing committees: Appropriations/Base Budget, Commerce, Insurance and Consumer Protection, Pensions & Retirement and Aging, Redistricting, Rules and Operations of the Senate, and Rural Development.

Upon motion of Senator Basnight, seconded by Senator Clark, the Senate adjourns subject to introduction of bills, to meet tomorrow, Tuesday, June 18, at 4:00 P.M.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Hoyle, Kerr, Moore, Rucho; and Foxx:

S.B. 1433, A BILL TO BE ENTITLED AN ACT CREATING THE INDEPENDENT GOVERNMENT REVIEW COMMISSION AND APPROPRIATING FUNDS FOR THE WORK OF THE COMMISSION.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

June 17, 2002

By Senator Lee:

S.B. 1434, A BILL TO BE ENTITLED AN ACT TO INCREASE THE ENFORCEMENT OF STATE LAWS TO COMBAT GUN TRAFFICKING.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Carter, Hoyle, Plyler and Purcell:

S.B. 1435, A BILL TO BE ENTITLED AN ACT TO SUPPORT THE WORK OF TRAUMA CENTERS ACROSS THE STATE THROUGH AN INCREASE IN THE FEE CHARGED FOR RESTORING DRIVERS LICENSES REVOKED FOR ALCOHOL-RELATED OFFENSES AND TO CREATE THE STATEWIDE TRAUMA SYSTEM STUDY COMMISSION.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Horton:

S.J.R. 1436, A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CREATE BY STATUTE AN INDEPENDENT REDISTRICTING COMMISSION TO RECOMMEND TO THE GENERAL ASSEMBLY PLANS FOR CONGRESSIONAL AND LEGISLATIVE REDISTRICTING.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Horton:

S.B. 1437, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Albertson:

S.B. 1438, A BILL TO BE ENTITLED AN ACT CONCERNING HOT-IN-PLACE ASPHALT REPAVING.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Foxx; Ballantine and Webster:

S.B. 1439, A BILL TO BE ENTITLED AN ACT TO LIMIT THE GOVERNOR'S AUTHORITY TO TRANSFER BETWEEN LINE ITEMS AND OBJECTS TO TEN PERCENT OF THE LINE ITEM OR OBJECT, TO PROVIDE THAT NO TRANSFER OF FUNDS MAY BE MADE BETWEEN A PURPOSE OR PROGRAM EXCEPT IN LIMITED CIRCUMSTANCES, AND TO LIMIT GENERAL FUND BUDGET EXPENDITURES FOR A FISCAL YEAR TO THE AMOUNT OF GENERAL FUND REVENUE COLLECTIONS FROM THE PRIOR FISCAL YEAR.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Kinnaird:

S.B. 1440, A BILL TO BE ENTITLED AN ACT TO PROTECT OUR CHILDREN BY INSTITUTING TEMPORARY REVENUE INCREASES BY TRANSFERRING FUNDS TO THE GENERAL FUND FROM THE TOBACCO SETTLEMENT FUNDS,

June 17, 2002

BY ELIMINATING BILL LEE ACT CREDITS IN TIERS FOUR AND FIVE, BY REINSTATING THE CORPORATE INCOME TAX TO PREVIOUS LEVELS, BY ENACTING A SURTAX ON HIGHER-INCOME INDIVIDUALS, BY TRANSFERRING MONEY FROM THE HIGHWAY TRUST FUND, AND BY APPLYING THE SALES TAX TO CERTAIN PROFESSIONAL SERVICES.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Carter:

S.B. 1441, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA, INCLUDING THE NORTH CAROLINA ARBORETUM, FROM THE UMSTEAD ACT.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Shaw of Guilford; Hagan, Hoyle, and Rand:

S.B. 1442, A BILL TO BE ENTITLED AN ACT TO AMEND THE REGISTRATION REQUIREMENTS AND FEES TO ENGAGE IN CERTAIN ACTIVITIES WITH CONTROLLED SUBSTANCES.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Lee:

S.B. 1443, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WAYS TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Clodfelter:

S.B. 1444, A BILL TO BE ENTITLED AN ACT TO LOWER THE NUMBER OF AGRICULTURAL WORKERS THAT MUST BE EMPLOYED BY AN EMPLOYER IN ORDER FOR AGRICULTURAL EMPLOYMENT TO BE THE SUBJECT OF COMPENSATION UNDER THE WORKERS' COMPENSATION ACT IN THE SAME MANNER AS OTHER EMPLOYMENT UNDER THE ACT.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Clodfelter:

S.B. 1445, A BILL TO BE ENTITLED AN ACT TO CLARIFY JURISDICTION OF THE GENERAL COURT OF JUSTICE WITH RESPECT TO CERTAIN CONSTITUTIONAL QUESTIONS AND TO PROVIDE AN APPROPRIATION TO THE STATE BOARD OF ELECTIONS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Clodfelter:

S.B. 1446, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE RECOGNITION OF THE MATRICULA CONSULAR AS OFFICIAL IDENTIFICATION IN NORTH CAROLINA AND TO APPROPRIATE FUNDS TO EDUCATE LAW ENFORCEMENT AGENCIES AND PUBLIC SERVICE AGENCIES ON THE USE OF THE MATRICULA CONSULAR AS IDENTIFICATION.

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Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Rand:

S.B. 1447, A BILL TO BE ENTITLED AN ACT TO CONTRIBUTE TO THE PREVENTION OF WORKPLACE VIOLENCE.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Rand:

S.B. 1448, A BILL TO BE ENTITLED AN ACT ALLOWING STATE AGENCIES AND UNIVERSITIES TO UTILIZE INSTALLMENT OR LEASE-PURCHASE CONTRACTS TO FINANCE ENERGY AND WATER CONSERVATION MEASURES IN STATE FACILITIES.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Rand:

S.B. 1449, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONS WHO OBTAINED THE RIGHT TO DEVELOP OR EXPAND ASSISTED LIVING FACILITIES AS THE RESULT OF LITIGATION ARE NOT SUBJECT TO THE ADULT CARE HOME MORATORIUM LAW OR THE ADULT CARE HOME CERTIFICATE OF NEED LAW.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Dalton:

S.B. 1450, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE FUNDING OF CHARTER SCHOOLS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Dalton:

S.B. 1451, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ENFORCEMENT OF THE PROVISIONS OF THE MASTER SETTLEMENT AGREEMENT REGARDING CONTRIBUTIONS BY NONPARTICIPATING MANUFACTURERS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Dalton, Lee and Reeves:

S.B. 1452, A BILL TO BE ENTITLED AN ACT CREATING THE STATE BOARD OF EDUCATION'S BUSINESS AND EDUCATION TECHNOLOGY ALLIANCE.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Webster:

S.B. 1453, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE USE OF DISPLACED AGRICULTURAL WORKERS IN STATE PURCHASING OF GOODS AND SERVICES AND TO ESTABLISH A FEE FOR REGISTRATION AS A DISPLACED AGRICULTURAL WORKER.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

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By Senator Ballance:

S.B. 1454, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE SERVICE AREA OF HALIFAX COMMUNITY COLLEGE.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Rand, Dalton; Ballance, Carter, Garrou, Reeves and Thomas:

S.B. 1455, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Albertson:

S.R. 1456, A SENATE RESOLUTION HONORING FRANCES BASDEN FOR HER SERVICE TO PENDER COUNTY.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Albertson:

S.B. 1457, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE MOTOR VEHICLE SAFETY INSPECTION PROGRAM WHILE MAINTAINING THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Metcalf:

S.B. 1458, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HONORARY LISTON B. RAMSEY MOUNTED HORSE/CAISSON PATROL UNIT.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Metcalf:

S.B. 1459, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT SOURCE OF REVENUE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE FUNDING NEEDS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Metcalf:

S.B. 1460, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO CONTINUE OPERATIONS OF THE BUNCOMBE YOUTH DETENTION CENTER UNTIL DIRECTED TO CLOSE THE CENTER BY THE GENERAL ASSEMBLY.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Cunningham:

S.B. 1461, A BILL TO BE ENTITLED AN ACT TO CREATE NORTH CAROLINA'S "OLD NORTH STATE" SCHOLARSHIP FOR TUITION AND FEES AT THE UNIVERSITY OF NORTH CAROLINA SYSTEM SCHOOLS AND THE "LONG

LEAF PINE" GRANT FOR TUITION AND FEES AT THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM SCHOOLS AND TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE ACCOUNTABILITY FOR EXPENDITURES OF LOTTERY PROCEEDS ON EDUCATIONAL PROGRAMS AND PURPOSES.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Cunningham:

S.B. 1462, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FUNDING SOURCE FOR FARMLAND PRESERVATION.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Cunningham:

S.B. 1463, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS TO COUNTIES FOR PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS, IN ORDER TO PROMOTE EQUITY IN LOCAL SCHOOL FACILITIES ACROSS THE STATE AND TO ENABLE LOCAL GOVERNMENTS TO GIVE LOCAL PROPERTY TAX RELIEF.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Odom; and Hartsell:

S.B. 1464, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TO USE FINANCING CONTRACTS IN ACQUIRING PROPERTY THROUGH THE PARKS AND RECREATION TRUST FUND AND THE NATURAL HERITAGE TRUST FUND.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Clodfelter:

S.B. 1465, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PERMIT CITIES AND COUNTIES TO ISSUE DEBT INSTRUMENTS TO FINANCE THE PUBLIC PORTION OF DEVELOPMENT PROJECTS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Kinnaird:

S.B. 1466, A BILL TO BE ENTITLED AN ACT TO LEVY A THREE-CENTS PER CONTAINER TAX ON SOFT DRINKS TO PROVIDE FUNDS FOR EDUCATION.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Rand:

S.B. 1467, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGES SYSTEM OFFICE TO ESTABLISH A SCHOLARSHIP PROGRAM FOR PROSPECTIVE TEACHERS AND TO DEVELOP TEACHER PREPARATION COURSES.

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Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Thomas:

S.B. 1468, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT ATTORNEYS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:45 P.M.

ONE HUNDRED EIGHTY-SIXTH DAY

Senate Chamber
Tuesday, June 18, 2002

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 Dr. Douglas W. Oldenburg, Retired President Emeritus of Columbia Theological Seminary, Atlanta, Georgia as follows:

"Almighty God, we give you thanks for our State of North Carolina, for its vibrant cities, its lovely villages, its glorious mountains, its inviting coastline, and its beautiful countryside.

"We give you thanks for all those who serve our State in a variety of ways to serve the common good and make it an even better place to live for all people.

"In these very difficult times, help those who gather here to have the patience needed to contend with the clamor of competing claims and the ability to hear this clamor as the voice of democracy.

"Help them to distinguish the truth and value of an idea from its popularity, and to live in the tension between tenacity and compromise which all living together requires.

"In the complexity of issues and the ambiguities of decision, give them insight and clarity as to the proper path for the following.

"Help them to hold their convictions with humility and the capacity to listen for correctives that may come from unlikely places.

"Give them the grace to reflect your love in being especially committed to help those who are poor and powerless and in greatest need.

"Empower them to govern with wisdom and boldness, with integrity and imagination and an abundance of grace.

"Bestow on them your blessings we pray to the end that, working together, 'justice may roll down like waters and righteousness like an ever-flowing stream.' Amen."

The Chair grants a leave of absence for today to Senator Warren.

Senator Rand, announces that the Journal of yesterday, Monday, June 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.

June 18, 2002

The President *Pro Tempore* of the Senate extends courtesies of the floor to Dr. Ronald B. Shealy from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Sharon Pearce from Lexington, North Carolina, who is serving the Senate as Nurse of the Day.

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 Soles for the **Commerce Committee**:

S.J.R. 1303, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS, with a favorable report.

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

S.B. 1115, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with three amendments.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4715, with three amendments, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill with three unengrossed amendments is re-referred to the **Pensions & Retirement and Aging Committee**.

CALENDAR

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

S.B. 1078 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE BY IMPOSING LIMITS ON THE EMISSION OF CERTAIN POLLUTANTS FROM CERTAIN FACILITIES THAT BURN COAL TO GENERATE ELECTRICITY AND TO PROVIDE FOR RECOVERY BY ELECTRIC UTILITIES OF THE COST OF ACHIEVING COMPLIANCE WITH THOSE LIMITS, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (45-1) and the measure is ordered enrolled and sent to the Governor by special message.

The Senate recesses at 4:46 P.M. for the purpose of a Pensions & Retirement and Aging Committee meeting to reconvene at 5:00 P.M.

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:

June 18, 2002

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

S.B. 1115 (Committee Substitute with Amendments), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, with a favorable report, as amended.

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

(Three amendments from the Appropriations Committee and the amendment from the **Pensions & Retirement and Aging Committee** are engrossed.)

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Constance L. Berryman, Raleigh; Zachary Bradley, Arden; Terrence L. Campbell, Raleigh; Haddon Manly Clark IV, Cary; Chad W. Cleckner II, Spring Lake; Jacob Alan Conley, Henrietta; Stephen Kent Dickens, Raleigh; Amanda Rebekah Evans, Fayetteville; Meredith Leslie Farless, Edenton; Lauren Fish, Wendell; Monica Fish, Wendell; Brian Donnell Lane, Raleigh; Stephanie Lewis, Dallas; Meghan Elizabeth Lumsden, Raleigh; Kristan A. Midgett, Poplar Branch; Amark S. Patra, Cary; Emilee Plyler, Monroe; Aaron W. Plyler III, Monroe; Lindsay Potter, Weaverville; Carson Alexander Robinson, Asheboro; Winfree Anne Spears, Stedman.

Upon motion of Senator Ballance, seconded by Senator Carrington, the Senate adjourns subject to receipt of committee reports and referral of bills in honor of S.B. 1078, to meet tomorrow, Wednesday, June 19, at 1:00 P.M.

REFERRAL OF BILLS

Bills and a resolution read on June 17 and ordered held in the Office of the Principal Clerk pending referral to committee, are withdrawn from the Principal Clerk's Office and referred as follows:

S.B. 1433, A BILL TO BE ENTITLED AN ACT CREATING THE INDEPENDENT GOVERNMENT REVIEW COMMISSION AND APPROPRIATING FUNDS FOR THE WORK OF THE COMMISSION.

Referred to **Rules and Operations of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1434, A BILL TO BE ENTITLED AN ACT TO INCREASE THE ENFORCEMENT OF STATE LAWS TO COMBAT GUN TRAFFICKING.

Referred to **Judiciary II Committee**.

S.B. 1435, A BILL TO BE ENTITLED AN ACT TO SUPPORT THE WORK OF TRAUMA CENTERS ACROSS THE STATE THROUGH AN INCREASE IN THE FEE CHARGED FOR RESTORING DRIVERS LICENSES REVOKED FOR ALCOHOL-RELATED OFFENSES AND TO CREATE THE STATEWIDE TRAUMA SYSTEM STUDY COMMISSION.

Referred to **Rules and Operations of the Senate Committee** and upon a favorable report, re-referred to the **Finance Committee**, and upon a favorable report, re-referred to **Appropriations/Base Budget Committee**.

S.J.R. 1436, A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED

June 18, 2002

AN ACT TO CREATE BY STATUTE AN INDEPENDENT REDISTRICTING COMMISSION TO RECOMMEND TO THE GENERAL ASSEMBLY PLANS FOR CONGRESSIONAL AND LEGISLATIVE REDISTRICTING.

Referred to **Rules and Operations of the Senate Committee**.

S.B. 1437, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION.

Referred to **Redistricting Committee**.

S.B. 1438, A BILL TO BE ENTITLED AN ACT CONCERNING HOT-IN-PLACE ASPHALT REPAVING.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1439, A BILL TO BE ENTITLED AN ACT TO LIMIT THE GOVERNOR'S AUTHORITY TO TRANSFER BETWEEN LINE ITEMS AND OBJECTS TO TEN PERCENT OF THE LINE ITEM OR OBJECT, TO PROVIDE THAT NO TRANSFER OF FUNDS MAY BE MADE BETWEEN A PURPOSE OR PROGRAM EXCEPT IN LIMITED CIRCUMSTANCES, AND TO LIMIT GENERAL FUND BUDGET EXPENDITURES FOR A FISCAL YEAR TO THE AMOUNT OF GENERAL FUND REVENUE COLLECTIONS FROM THE PRIOR FISCAL YEAR.

Referred to **Appropriations/Base Budget Committee**.

S.B. 1440, A BILL TO BE ENTITLED AN ACT TO PROTECT OUR CHILDREN BY INSTITUTING TEMPORARY REVENUE INCREASES BY TRANSFERRING FUNDS TO THE GENERAL FUND FROM THE TOBACCO SETTLEMENT FUNDS, BY ELIMINATING BILL LEE ACT CREDITS IN TIERS FOUR AND FIVE, BY REINSTATING THE CORPORATE INCOME TAX TO PREVIOUS LEVELS, BY ENACTING A SURTAX ON HIGHER-INCOME INDIVIDUALS, BY TRANSFERRING MONEY FROM THE HIGHWAY TRUST FUND, AND BY APPLYING THE SALES TAX TO CERTAIN PROFESSIONAL SERVICES.

Referred to **Finance Committee**.

S.B. 1441, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA, INCLUDING THE NORTH CAROLINA ARBORETUM, FROM THE UMSTEAD ACT.

Referred to **Commerce Committee**.

S.B. 1442, A BILL TO BE ENTITLED AN ACT TO AMEND THE REGISTRATION REQUIREMENTS AND FEES TO ENGAGE IN CERTAIN ACTIVITIES WITH CONTROLLED SUBSTANCES.

Referred to **Judiciary II Committee**.

S.B. 1443, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WAYS TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1444, A BILL TO BE ENTITLED AN ACT TO LOWER THE NUMBER OF AGRICULTURAL WORKERS THAT MUST BE EMPLOYED BY AN EMPLOYER IN

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ORDER FOR AGRICULTURAL EMPLOYMENT TO BE THE SUBJECT OF COMPENSATION UNDER THE WORKERS' COMPENSATION ACT IN THE SAME MANNER AS OTHER EMPLOYMENT UNDER THE ACT.

Referred to **Commerce Committee**.

S.B. 1445, A BILL TO BE ENTITLED AN ACT TO CLARIFY JURISDICTION OF THE GENERAL COURT OF JUSTICE WITH RESPECT TO CERTAIN CONSTITUTIONAL QUESTIONS AND TO PROVIDE AN APPROPRIATION TO THE STATE BOARD OF ELECTIONS.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1446, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE RECOGNITION OF THE MATRICULA CONSULAR AS OFFICIAL IDENTIFICATION IN NORTH CAROLINA AND TO APPROPRIATE FUNDS TO EDUCATE LAW ENFORCEMENT AGENCIES AND PUBLIC SERVICE AGENCIES ON THE USE OF THE MATRICULA CONSULAR AS IDENTIFICATION.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1447, A BILL TO BE ENTITLED AN ACT TO CONTRIBUTE TO THE PREVENTION OF WORKPLACE VIOLENCE.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1448, A BILL TO BE ENTITLED AN ACT ALLOWING STATE AGENCIES AND UNIVERSITIES TO UTILIZE INSTALLMENT OR LEASE-PURCHASE CONTRACTS TO FINANCE ENERGY AND WATER CONSERVATION MEASURES IN STATE FACILITIES.

Referred to **Finance Committee**.

S.B. 1449, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONS WHO OBTAINED THE RIGHT TO DEVELOP OR EXPAND ASSISTED LIVING FACILITIES AS THE RESULT OF LITIGATION ARE NOT SUBJECT TO THE ADULT CARE HOME MORATORIUM LAW OR THE ADULT CARE HOME CERTIFICATE OF NEED LAW.

Referred to **Health Care Committee**.

S.B. 1450, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE FUNDING OF CHARTER SCHOOLS.

Referred to **Appropriations/Base Budget Committee**.

S.B. 1451, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ENFORCEMENT OF THE PROVISIONS OF THE MASTER SETTLEMENT AGREEMENT REGARDING CONTRIBUTIONS BY NONPARTICIPATING MANUFACTURERS.

Referred to **Finance Committee**.

S.B. 1452, A BILL TO BE ENTITLED AN ACT CREATING THE STATE BOARD OF EDUCATION'S BUSINESS AND EDUCATION TECHNOLOGY ALLIANCE.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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S.B. 1453, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE USE OF DISPLACED AGRICULTURAL WORKERS IN STATE PURCHASING OF GOODS AND SERVICES AND TO ESTABLISH A FEE FOR REGISTRATION AS A DISPLACED AGRICULTURAL WORKER.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

S.B. 1454, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE SERVICE AREA OF HALIFAX COMMUNITY COLLEGE.

Referred to **Appropriations/Base Budget Committee**.

S.B. 1455, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.R. 1456, A SENATE RESOLUTION HONORING FRANCES BASDEN FOR HER SERVICE TO PENDER COUNTY.

Referred to **Rules and Operations of the Senate Committee**.

S.B. 1457, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE MOTOR VEHICLE SAFETY INSPECTION PROGRAM WHILE MAINTAINING THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM.

Referred to **Finance Committee**.

S.B. 1458, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HONORARY LISTON B. RAMSEY MOUNTED HORSE/CAISSON PATROL UNIT.

Referred to **Appropriations/Base Budget Committee**.

S.B. 1459, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT SOURCE OF REVENUE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE FUNDING NEEDS.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1460, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO CONTINUE OPERATIONS OF THE BUNCOMBE YOUTH DETENTION CENTER UNTIL DIRECTED TO CLOSE THE CENTER BY THE GENERAL ASSEMBLY.

Referred to **Children & Human Resources Committee**.

S.B. 1461, A BILL TO BE ENTITLED AN ACT TO CREATE NORTH CAROLINA'S "OLD NORTH STATE" SCHOLARSHIP FOR TUITION AND FEES AT THE UNIVERSITY OF NORTH CAROLINA SYSTEM SCHOOLS AND THE "LONG LEAF PINE" GRANT FOR TUITION AND FEES AT THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM SCHOOLS AND TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE ACCOUNTABILITY FOR EXPENDITURES OF LOTTERY PROCEEDS ON EDUCATIONAL PROGRAMS AND PURPOSES.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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S.B. 1462, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FUNDING SOURCE FOR FARMLAND PRESERVATION.

Referred to **Appropriations/Base Budget Committee**.

S.B. 1463, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS TO COUNTIES FOR PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS, IN ORDER TO PROMOTE EQUITY IN LOCAL SCHOOL FACILITIES ACROSS THE STATE AND TO ENABLE LOCAL GOVERNMENTS TO GIVE LOCAL PROPERTY TAX RELIEF.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1464, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TO USE FINANCING CONTRACTS IN ACQUIRING PROPERTY THROUGH THE PARKS AND RECREATION TRUST FUND AND THE NATURAL HERITAGE TRUST FUND.

Referred to **Finance Committee**.

S.B. 1465, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PERMIT CITIES AND COUNTIES TO ISSUE DEBT INSTRUMENTS TO FINANCE THE PUBLIC PORTION OF DEVELOPMENT PROJECTS.

Referred to **Finance Committee**.

S.B. 1466, A BILL TO BE ENTITLED AN ACT TO LEVY A THREE-CENTS PER CONTAINER TAX ON SOFT DRINKS TO PROVIDE FUNDS FOR EDUCATION.

Referred to **Finance Committee**.

S.B. 1467, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGES SYSTEM OFFICE TO ESTABLISH A SCHOLARSHIP PROGRAM FOR PROSPECTIVE TEACHERS AND TO DEVELOP TEACHER PREPARATION COURSES.

Referred to **Appropriations/Base Budget Committee**.

S.B. 1468, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT ATTORNEYS.

Referred to **Judiciary II Committee**.

WITHDRAWAL FROM CLERK'S OFFICE

House bills received in the Office of the Principal Clerk from the House of Representatives and ordered held in the Office of the Principal Clerk on June 17, pending referral to committee are withdrawn from the Principal Clerk's Office and referred as follows:

H.B. 1490 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR.

Referred to **Finance Committee**.

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H.B. 1505, A BILL TO BE ENTITLED AN ACT TO AMEND THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO BYLAWS TO CONFORM TO THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO ARTICLES OF INCORPORATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

H.B. 1513, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE RECENT ESTABLISHMENT OF A ROLLING UPSET BID PROCEDURE FOR JUDICIAL AND EXECUTION SALES DID NOT AFFECT THE REQUIREMENT THAT SALES BE CONFIRMED BY THE APPROPRIATE JUDICIAL OFFICIAL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

H.J.R. 1522, A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS.

Referred to **Rules and Operations of the Senate Committee**.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 5:22 P.M.

ONE HUNDRED EIGHTY-SEVENTH DAY

Senate Chamber
Wednesday, June 19, 2002

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 Lord, from the beginning of consciousness each morning when our eyes open and our brain recognizes the tasks before us, we begin deciding what we can say and what we can do to win the battles of the day.

"Often, however, it is what we do not say and what we do not do that contributes to the greater good on our agenda. Help us to choose wisely.

"We continue to pray for Senator Warren as he grieves the death of his wife. Comfort him, O God, as only you can. Amen."

The Chair grants leaves of absence for today to Senator Warren.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, June 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.

The President *Pro Tempore* of the Senate extends courtesies of the floor to Dr. John D.

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Powell from Lenoir, North Carolina, who is serving the Senate as Doctor of the Day, and to B.J. Ellender from Kernersville, 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. 1078, AN ACT TO IMPROVE AIR QUALITY IN THE STATE BY IMPOSING LIMITS ON THE EMISSION OF CERTAIN POLLUTANTS FROM CERTAIN FACILITIES THAT BURN COAL TO GENERATE ELECTRICITY AND TO PROVIDE FOR RECOVERY BY ELECTRIC UTILITIES OF THE COST OF ACHIEVING COMPLIANCE WITH THOSE LIMITS.

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:

H.B. 1503 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO SPECIAL MEETINGS OF SHAREHOLDERS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, TO AMEND THE LAW RELATING TO DISSENTERS' RIGHTS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, TO CLARIFY THAT A GENERAL PARTNER MUST EXECUTE DOCUMENTS FOR FILING BY THE SECRETARY OF STATE, AND TO CLARIFY THE LAW RELATING TO REGISTRATION OF GENERAL PARTNERSHIPS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

H.B. 1515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE MEMBERSHIP OF THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to **Children & Human Resources Committee**.

The Senate recesses at 1:25 P.M. to reconvene at 1:45 P.M.

RECESS

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

PRIVILEGES OF THE FLOOR

The President *Pro Tempore*, extends privileges of the floor to The Honorable Bob Warren, former Senator from Johnston County.

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CALENDAR

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

S.B. 1115 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Senator Harris offers Amendment No. 1.

Senator Ballantine offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

Senator Rand offers a motion that Amendment No. 2 lie upon the table, seconded by Senator Gulley. The motion to table Amendment No. 2 prevails (34-15).

The question before the Body is the adoption of Amendment No. 1.

Amendment No. 1 is adopted (49-0).

Senator Dalton offers Amendment No. 3 which is adopted (46-3).

Senator Horton offers Amendment No. 4 which is adopted (46-2).

Senator Foxx offers Amendment No. 5.

Senator Rand offers a motion that Amendment No. 5 lie upon the table, seconded by Senator Odom. The motion to table Amendment No. 5 prevails (30-18).

Senator Moore offers Amendment No. 6.

Senator Lee offers Amendment No. 7 as a Substitute Amendment for Amendment No. 6. Amendment No. 7 is adopted (41-8).

Having voted with the majority, Senator Rand offers a motion that Amendment No. 5 offered earlier by Senator Foxx, be withdrawn from the table, which motion prevails by a two-thirds majority vote (47-2).

The question before the Body is the adoption of Amendment No. 5.

Senator Foxx offers Amendment No. 8 as a Substitute Amendment for Amendment No. 5.

Senator Foxx subsequently withdraws Amendment No. 5 and Amendment No. 8.

Senator Berger offers Amendment No. 9.

Senator Odom offers Amendment No. 10 as a Substitute Amendment for Amendment No. 9.

Senator Odom withdraws Amendment No. 10.

The question before the Body is the adoption of Amendment No. 9.

Amendment No. 9 is adopted (49-0).

Senator Odom offers Amendment No. 11 which is adopted (47-0).

Senator Berger offers Amendment No. 12.

Senator Rand offers a motion that Amendment No.12 lie upon the table, seconded by Senator Odom. The motion prevails (32-17).

Senator Berger offers Amendment No. 13.

Senator Lee offers a motion that Amendment No.13 lie upon the table, seconded by Senator Odom. The motion prevails (29-19).

Senator Odom offers Amendment No. 14 which is adopted (44-5).

Senator Gulley offers Amendment No. 15, which he subsequently withdraws.

Senator Plyler calls the previous question through passage of the Committee Substitute bill, seconded by Senator Lee. The motion prevails (34-15).

The Committee Substitute bill, as amended, passes its second reading (33-16) and third reading (33-16) and is ordered engrossed and sent to the House of Representatives.

S.J.R. 1303, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS.

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

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Upon motion of Senator Ballance, seconded by Senator Clark, the Senate adjourns at 5:41 P.M. in honor of the Senate Pages to meet tomorrow, Thursday, June 20, at 9:00 A.M.

ONE HUNDRED EIGHTY-EIGHTH DAY

Senate Chamber
Thursday, June 20, 2002

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 Honorable Virginia Foxx, Senator from Watauga County as follows:

"About two months ago, I had the privilege of speaking to the Surry County Extension and Community Association. They used a wonderful prayer and I promised that if given the opportunity to give the prayer here that I would use it in their honor. When I heard the very sad news this morning that Louis Freeman who worked in ISD was killed in an automobile accident last night, I thought about changing my plans but then realized that this prayer epitomizes how Louis lived his life. So I offer this prayer in tribute to Louis.

"Keep us, oh God, from pettiness; let us be large in thought, in word, in deed. Let us be done with fault-finding and leave off self-seeking. May we put away all pretense and meet each other face to face without self-pity and without prejudice. May we never be hasty in judgment and always generous.

"Let us take time for all things; make us to grow calm, serene, gentle. Teach us to put into action our better impulses, straightforward, and unafraid. Grant that we may realize it is the little things that create differences, that in the big things of life we are at one.

"And may we strive to touch and to know the great, common human heart of us all, and, oh God, let us forget not to be kind. Amen."

**Taken from "A Collect for Club Women" by Mary Stewart.*

The Chair grants a leave of absence for today to Senator Warren.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, June 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.

The President of the Senate extends courtesies of the floor to Dr. Mark Lavigne from Laurinburg, North Carolina, who is serving the Senate as Doctor of the Day, and to Bobby Lowery from Goldsboro, North Carolina, who is serving the Senate as Nurse of the Day.

Upon motion of Senator Gulley and Senator Lucas, the President Pro Tempore, extends the courtesies of the gallery to members of Delta Sigma Theta Sorority, Inc. from all over the State of North Carolina.

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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:

H.B. 1521, A BILL TO BE ENTITLED AN ACT TO CONFORM SOURCING OF MOBILE TELECOMMUNICATIONS SERVICES TO THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT AND TO CODIFY THE SOURCING PRINCIPLES FOR OTHER TELECOMMUNICATIONS SERVICES.

Referred to **Finance Committee**.

H.B. 1530, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF TABOR CITY TO LEVY SPECIAL ASSESSMENTS FOR STREET OR SIDEWALK IMPROVEMENTS WITHOUT PETITION.

Referred to **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 1435, A BILL TO BE ENTITLED AN ACT TO SUPPORT THE WORK OF TRAUMA CENTERS ACROSS THE STATE THROUGH AN INCREASE IN THE FEE CHARGED FOR RESTORING DRIVERS LICENSES REVOKED FOR ALCOHOL-RELATED OFFENSES AND TO CREATE THE STATEWIDE TRAUMA SYSTEM STUDY COMMISSION, referred to the **Rules and Operations of the Senate Committee** on June 18.

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**.

RECOGNITION OF KAY YOW

With unanimous consent, upon motion of Senator Weinstein, the privileges of the floor are extended to Kay Yow, North Carolina State University Women's Basketball Coach, and Marye Anne Fox, Chancellor of North Carolina State University. Senator Weinstein, Senator Miller, Senator Purcell, Senator Reeves, Senator Soles, and Senator Swindell are appointed to escort Coach Yow and Chancellor Fox to the Well of the Senate, who are received with a standing ovation.

Upon motion of Senator Foxx, the remarks of Senator Weinstein, Chancellor Fox, and Coach Yow, are spread upon the Journal, as follows:

Senator Weinstein:

"Mr. President and Ladies and Gentlemen of the Senate, please be seated. It is my pleasure to present to you Coach Kay Yow who will make a few comments and then turn the microphone over to Chancellor Fox. Coach Yow is one of the most admired and respected coaches on the international and national collegiate basketball scene. She was elected for enshrinement into the Basketball Hall of Fame on June 5, 2002. She has amassed over 568 wins in her 27 years at the helm of North Carolina State University's ladies' basketball team. She has taken this team to the Final Four in 1998. She currently ranks as the fifth winningest active Division I women's basketball coach with 625 career

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victories. In February 2000, Kay Yow Day was proclaimed in the City of Raleigh. In the year 2000, Kay Yow was named the National Coach of the Year by Sports Illustrated for Women. Also in the year 2002, Coach Yow received the Star Award from the Women's Center of Wake County. The award was presented to her by last year's recipient, Chancellor Marye Anne Fox. This award is given to recognize the achievements of individuals in the corporate community, whose actions have made a positive impact on the lives of women and their families in the community. At this time I'll turn over the microphone to Chancellor Fox, but before I do, Coach Yow, we are so proud to have you here. Chancellor Fox."

Chancellor Fox:

"Thank you so much Senators for allowing us to come and honor one of the great North Carolinians in our history. Kay Yow is so much more than a basketball coach. She is someone who understands the situation with student-athletes. She is someone who has always worked for achievement in the players with whom she works. I have always had the interesting opportunity when I go around and talk to alumni, to ask how many of them would be able to get into NC State now because we have a high school GPA, for this year's class it is almost a 4.0, and I ask them to raise their hands, but I won't ask you that. How many of you have 550 political wins since you have been in Raleigh? This is what this woman has done. She is an incredible role-model. She has coached Olympic teams and her players are represented in the Women's NBA. She is a person who is recognized world-wide for her excellence and, in fact, when I first came here from Texas, when I announced that I would accept this position, I was told to look up two people in North Carolina, Jim Graham and Kay Yow. So, she is a legend and we are so proud that she is part of the Wolfpack family and thank you for letting us make this special honor for her today."

Coach Yow:

"Thank you very much. Wow, this is impressive! This is my first time actually being in here. First of all, I know how hard and difficult your job must be. Unless you have been in somebody's shoes, you don't really know. Of course, everybody thinks they know how to coach in the State of North Carolina. I am willing to admit that I don't know that much about your job, but I really do know what a difficult task you have and how committed that you are and you must be in order to do a great job for our State. One of the things that I am proudest about probably, my five top players that have excelled the very most at NC State have been from the State of North Carolina. When I think about the things they have done starting way back with Gina Beasley, Andrea Stinson, Chastity Melvin, and Tanisha Lewis, my most recent, they go across the State of North Carolina. I can't leave out my youngest sister, Susan, who was our first Kodak All-American and was obviously from North Carolina. But, education is so critical. I am an educator at heart. My college degree was to be a teacher and I majored in English and minored in Library Science. It has always been important to me and education allows people not to just go through life but to grow through life. That is what I have been about, developing winners as people, hopefully, as I coach, or at least try to help them to develop as winners and as people and that is through education. I am not here really to, while I am here I want to say, I hope that as you talk about education that everybody in this room, I cannot imagine that there is anything more important in the State of North Carolina, or any state for that matter, than education. For how will people do anything without knowledge and knowledge becomes power and for people to be empowered, they must be educated. I am a part of that, I have spent my whole lifetime in education and I am really proud to be a part of one of our great universities in this State and to have gone all the way through all the systems in North Carolina and to be where I am today. I owe a lot to the great teachers

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that I have had along the way. They dug a lot of wells for me to drink from and I am trying to dig a lot of wells right now for a lot of other people. I just count on you to do the very best that you can for our programs in education and thank you so much for allowing me to be here this morning and for this honor. My honors are a tribute to the special people that I have had play for me and the special people I've had work with me. Anything that I get is a tribute, first and foremost, to those people and thank you very much for this honor."

The President *Pro Tempore*, recognizes the Committee and the Senate Pages to escort the guests from the Chamber, who depart to a standing ovation.

The President Pro Tempore, extends privileges of the floor to The Honorable Marie Colton, former Member of the House of Representatives from Buncombe County.

Upon motion of Senator Ballance, seconded by Senator Plyler, the Senate adjourns subject to reading and referral of messages from the House of Representatives and in honor and memory of Louis Freeman, a General Assembly Staff Member who died in an automobile accident today, to meet Monday, June 24, at 7:15 P.M.

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. 1482, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF SALUDA.

Referred to **Finance Committee**.

H.B. 1509, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS.

Referred to **Finance Committee**.

H.B. 1510, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ICARD FIRE DISTRICT TO LEVY AN AD VALOREM TAX AT THE GENERAL LAW RATE.

Referred to **Finance Committee**.

H.B. 1517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF LITTLETON.

Referred to **Finance Committee**.

H.B. 1578, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE SCRAP TIRE DISPOSAL TAX.

Referred to **Finance Committee**.

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ANNEX DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE.

Referred to **Finance Committee**.

H.B. 1613, A BILL TO BE ENTITLED AN ACT TO REVISE THE BOUNDARIES OF THE HARTSEASE AND HARRISON FIRE TAX DISTRICTS IN EDGEcombe COUNTY.

Referred to **Finance Committee**.

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Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 10:06 A.M.

ONE HUNDRED EIGHTY-NINTH DAY

Senate Chamber
Monday, June 24, 2002

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:

"If each of us could prioritize all the thoughts we bring to this place on this Monday night, O God, then reduce those to one simple request of you, this is what it would be. Hear our personal petitions and we pray that you respond. Amen."

The Chair grants leaves of absence for tonight to Senator Dalton, Senator Garrou, Senator Hagan, Senator Kerr, Senator Lee and Senator Moore.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, June 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.

The President of the Senate extends courtesies of the floor to Dr. Ralph C. Gertsch from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Dennis Sherrod from Sims, North Carolina, who is serving the Senate as Nurse of the Day.

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. 1078, AN ACT TO IMPROVE AIR QUALITY IN THE STATE BY IMPOSING LIMITS ON THE EMISSION OF CERTAIN POLLUTANTS FROM CERTAIN FACILITIES THAT BURN COAL TO GENERATE ELECTRICITY AND TO PROVIDE FOR RECOVERY BY ELECTRIC UTILITIES OF THE COSTS OF ACHIEVING COMPLIANCE WITH THOSE LIMITS. (Became law upon approval of the Governor, June 20, 2002—S.L. 2002-4.)

WITHDRAWAL FROM COMMITTEE

S.B. 1111, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR, referred to the **Rules and Operations of the Senate Committee** on Wednesday, May 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 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**.

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S.B. 1149, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on Tuesday, June 4.

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**.

S.B. 1150, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on Tuesday, June 4.

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**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Kourtney F. Barnes, Raleigh; Blake Moore Bass, Lenoir; Ricky Bennett, Jr., Raleigh; Matthew E. Benson, Rocky Mount; Ronald W. Burris, Jr., Albemarle; Caroline Chewning, Elizabeth City; Robert P. Dunn, Greensboro; Hannah Marie Gore, Fayetteville; Hannah Virginia Harrison, Greensboro; Elizabeth Lee Hayes, Dallas; Chad Ross Hooper, Fayetteville; Jenna Jenkins, Kill Devil Hills; Morgan Carrie Jethro, Edenton; William Presnell Keesler, Lexington; Margaret Flynt Kornegay, Winston-Salem; Jennifer Marr, Dallas; Cody R. McMahan, Sylva; Kari Dawn Perry, Colerain; Rachel Schifftan, Greensboro; Jordan Elizabeth Scott, Fayetteville; Jordan Skowronski, Raleigh; Elizabeth Tatum, Fayetteville; Jillian Alyce Wright, Raleigh; Holly Wyche, Buxton.

Upon motion of Senator Basnight, seconded by Senator Martin of Guilford, the Senate adjourns at 7:25 P.M. to meet tomorrow, Tuesday, June 25, at 2:00 P.M.

ONE HUNDRED NINETIETH DAY

Senate Chamber
Tuesday, June 25, 2002

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:

"On days so busy that it would seem we have forgotten you, we have not. In all our 'busyness' we pray for Godly discernment in all of our deliberations, the ability to tell the good from the bad, the genuine from the counterfeit. Help us always to choose the good and genuine. In your Holy Name we pray, Amen."

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The Chair grants a leave of absence for today to Senator Berger.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 24, 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. May L. Foo from Clyde, North Carolina, who is serving the Senate as Doctor of the Day, and to Rachel Manriquez from Fuquay Varina, North Carolina, who is serving the Senate as Nurse of the Day.

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. 1487, A BILL TO BE ENTITLED AN ACT TO EXTEND EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW, 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 7382, is adopted and engrossed.

Upon motion of Senator Hagan, 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. 1482, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF SALUDA, with a favorable report.

Upon motion of Senator Hoyle, the rules are suspended and the bill is placed on today's Calendar upon second reading.

H.B. 1510, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ICARD FIRE DISTRICT TO LEVY AN AD VALOREM TAX AT THE GENERAL LAW RATE, with a favorable report.

Upon motion of Senator Hoyle, the rules are suspended and the bill is placed on today's Calendar upon second reading.

H.B. 1530, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF TABOR CITY TO LEVY SPECIAL ASSESSMENTS FOR STREET OR SIDEWALK IMPROVEMENTS WITHOUT PETITION, with a favorable report.

H.B. 1578, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE SCRAP TIRE DISPOSAL TAX, with a favorable report.

Upon motion of Senator Hoyle, the rules are suspended and the bill is placed on today's Calendar upon second reading.

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H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ANNEX DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE, with a favorable report.

Upon motion of Senator Hoyle, the rules are suspended and the bill is placed on today's Calendar upon second reading.

H.B. 1613, A BILL TO BE ENTITLED AN ACT TO REVISE THE BOUNDARIES OF THE HARTSEASE AND HARRISON FIRE TAX DISTRICTS IN EDGEcombe COUNTY, with a favorable report.

Upon motion of Senator Hoyle, the rules are suspended and the bill is placed on today's Calendar upon second reading.

WITHDRAWAL FROM COMMITTEE

S.B. 893, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING LANDSCAPE CONTRACTORS, TO INCLUDE IRRIGATION CONTRACTORS UNDER THE LAWS REGULATING LANDSCAPE CONTRACTORS, TO ALLOW THE GENERAL ASSEMBLY TO APPOINT TWO OF THE NINE MEMBERS TO THE NORTH CAROLINA LANDSCAPE/IRRIGATION CONTRACTORS' LICENSING BOARD, AND TO AUTHORIZE THE BOARD TO INCREASE FEES, referred to the **Commerce Committee** on April 5, 2001.

Pursuant to Rule 47(a), Senator Soles 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**.

S.B. 1424, A BILL TO BE ENTITLED AN ACT TO CREATE A TRAVEL AND TOURISM CAPITAL INCENTIVE GRANT PROGRAM, referred to the **Appropriations/Base Budget Committee** on Wednesday, June 13.

Pursuant to Rule 47(a), Senator Odom offers a motion that the 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 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. 1487 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW, placed earlier on today's calendar.

The Senate Committee Substitute bill passes its second (47-0) 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. 1482, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF SALUDA, placed earlier on today's calendar, upon second reading.

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The bill passes its second reading, by roll call vote, ayes 47, noes 0, as follows:

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

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, June 26, upon third reading.

H.B. 1510, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ICARD FIRE DISTRICT TO LEVY AN AD VALOREM TAX AT THE GENERAL LAW RATE, placed earlier on today's calendar, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

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

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, June 26, upon third reading.

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ANNEX DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE, placed earlier on today's calendar, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

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

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, June 26, upon third reading.

H.B. 1613, A BILL TO BE ENTITLED AN ACT TO REVISE THE BOUNDARIES OF THE HARTSEASE AND HARRISON FIRE TAX DISTRICTS IN EDGEcombe COUNTY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

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

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, June 26, upon third reading.

H.B. 1578, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE SCRAP TIRE DISPOSAL TAX, placed earlier on today's calendar upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

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

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, June 26, upon third reading.

The Senate recesses at 12:20 P.M. for the purpose of an Appropriations/Base Budget Committee meeting and a Rules and Operations of the Senate Committee meeting, to reconvene at 12:40 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant 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 Plyler for the **Appropriations/Base Budget Committee**:

S.B. 1111, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7792, which changes the title to read **S.B. 1111** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE CURRENT DIRECTIONS AND LIMITATIONS ON THE EXPENDITURES OF STATE FUNDS, TO AUTHORIZE THE USE OF THE SAVINGS RESERVE ACCOUNT TO BALANCE THE BUDGET, TO PROVIDE THAT THERE BE NO AUTOMATIC STEP INCREASES FOR STATE AND PUBLIC SCHOOL EMPLOYEES, TO SET THE CONTRIBUTION RATE TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, AND FOR WORKER TRAINING TRUST FUND PROGRAMS, AND TO MAINTAIN 2001-2002 PARTICIPATION LEVELS IN THE AIDS DRUG ASSISTANCE PROGRAM, is adopted and engrossed.

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

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 1220, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF

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GASTON, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4716, which changes the title to read **S.B. 1220** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET EXEMPTING DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1422, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ILENE B. NELSON, ADVOCATE FOR ABUSED AND NEGLECTED CHILDREN, referred to the **Rules and Operations of the Senate Committee** on June 13.

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, June 26, 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 Wednesday, June 26.

Upon motion of Senator Basnight, seconded by Senator Carter, the Senate adjourns at 3:01 P.M. to meet tomorrow, Wednesday, June 26, at 2:00 P.M.

ONE HUNDRED NINETY-FIRST DAY

Senate Chamber
Wednesday, June 26, 2002

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

Prayer is offered by Rabbi Lucy H.F. Dinner, Temple Beth Or, Raleigh, NC as follows:

"Honorable Senators, Ladies and Gentleman, I dedicate this invocation in loving memory of Ilene Nelson, Merciful God.

"We pray for children who put chocolate fingers everywhere, who like to be tickled, who stomp in puddles and ruin their new pants, who sneak Popsicles before supper, who erase holes in math workbooks, who can never find their shoes.

"And we pray for those who stare at photographers from behind barbed wire, who can't bound down the street in a new pair of sneakers, who never 'counted potatoes', who are born in places in which we wouldn't be caught dead, who never go to the circus, who live in an X-rated world.

"We pray for children who bring us sticky kisses and fistfuls of dandelions, who sleep with the dog and bury the goldfish, who hug us in a hurry and forget their lunch money, who cover themselves with Band-Aids and sing off key, who squeeze toothpaste all over the sink, who slurp their soup.

"And we pray for those who never get dessert, who have no safe blanket to drag

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behind them, who watch their parents watch them die, who can't find any bread to steal, who don't have any rooms to clean up, whose pictures aren't on anybody's dresser, whose monsters are real.

"We pray for children who spend all their allowance before Tuesday, who throw tantrums in the grocery store and pick their food, who like ghost stories, who shove dirty clothes under the bed and never rinse out the tub, who love visits from the tooth fairy, who don't like to be kissed in front of the school bus, who squirm in church or temple or mosque, and scream in the phone, whose tears we sometimes laugh at and whose smiles can make us cry.

"And we pray for those whose nightmares come in the daytime, who will eat anything, who have never seen a dentist, who aren't spoiled by anybody, who go to bed hungry and cry themselves to sleep, who live and move and have no being.

"We pray for children who want to be carried and for those who must, for those who never give up on and for those who don't get a second chance. For those we smother...and for those who will grab the hand of anyone kind enough to offer it.

"Hear our cries, O God, and listen to our prayers. Amen."

*Taken from *A Prayer of Responsibility for Children* by Ina J. Hughs

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, June 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 Dr. C. Allan Eure from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Ernest Grant from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

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

S.J.R. 1422, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ILENE B. NELSON, ADVOCATE FOR ABUSED AND NEGLECTED CHILDREN.

Upon motion of Senator Wellons, the joint resolution is taken up out of its regular order of business and is placed before the Senate for immediate consideration.

Upon motion Senator Wellons, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the Senators honoring the life of Ilene B. Nelson, are spread upon the Journal, as follows:

Senator Wellons:

"One of the reasons that I introduced this resolution honoring Ilene Nelson was the same reason that I chose to run for the Senate in 1996. I had served as an attorney for the Guardian Ad Litem program, the Eleventh Judicial District, under Ilene and was trained by her. I became frustrated by the Legislature's lack of support for this Guardian Ad Litem program. I don't know whether ya'll remember the 1994 Sessions. I shared Ilene's passion of advocating for abused and neglected children. She encouraged me to run for the Senate and to do what I could for those children that she advocated and loved. I think it would serve the honor of Ilene Nelson if every time we were faced with issues when children were involved, especially those children that are not protected by others, that we ask ourselves what would Ilene do. Ilene Nelson was a fighter. She fought for those people in our State that could not fight for themselves. She never tired of being an advocate for our children, even when she was attacked by cancer. She continued her fight and would not let anything stand in the way of protecting the children, not even the cancer

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that eventually took her life on September 16, 2001. I think we owe it to Ilene that in her memory we continue to fight for the children that she so loved and protected because that is what Ilene would want us to do. She is joined today by her own children who are up in the gallery. I ask you to join me in supporting this resolution for the fighter of our children."

Senator Garrou:

"Ladies and Gentlemen, often when we are honoring a person on the floor of the Senate, I have a hard time identifying with these people. Their qualities seem almost not human. I am here to tell you today that Ilene Nelson was a real human being. I served with her at the Guardian Ad Litem program. Ilene loved to sing and to laugh. She often spoke about growing up in the only Jewish family in a Mormon community in Idaho. While she made those experiences sound comical, I think they kindled her desire to offer a voice for the voice-less. Ilene Nelson could wear you out. She had more energy than anyone I had ever seen and I will tell you sometimes it was difficult to work for her. She could argue with you about an issue until, as my mother said, I was blue in the face. She could talk to you about the fact that you had to be really good stewards of our money and of our State money. She used the pencils down to a nub. If we ever did any traveling, she wanted eight or ten of us to sleep in a room together. She wanted to make sure that we always appreciated the fact that we had the opportunity to serve children and that we were very blessed to do so. She had a sparkle that permeated her work and she could often make a joke out of things. Once I had misspelled the word Messiah in a report or something that I was putting together for her and she told me that she was disappointed that I, as a Christian, should be able to spell Messiah and that she as a Jewish woman didn't need to know how to spell Messiah. She made that point. I still smile when I think about the fact that Ilene Nelson was the only Jewish woman I knew who sang in a gospel choir. It gave you another part of her personality. In the year 2001, over 14,000 children were represented by over 3,500 volunteers from your districts, who came and offered and served as a champion in court for each of these children. I am really proud that I had the opportunity to serve our State and to serve our children for ten years in North Carolina and to work with Ilene and some of the other folks who are in the gallery today. They do a magnificent job. I am grateful for the opportunity to work with Ilene and for the opportunity to speak on her behalf. I ask for your support of this resolution. Thank you."

Senator Gulley:

"I will speak briefly but I knew Ilene Nelson for a long time and my experience follows that of the Senators who have already spoken. She was very special, she was intelligent and you knew it when you looked her in the eyes and when she talked to you about anything. She was tough and a fierce advocate but the other half of the time you were laughing with her. You were learning about life and you were learning about our commitment to children and you were enjoying it the whole time. She moved us forward as a State, deepened our commitment to children who were most vulnerable and most abandoned, most at risk. She made us much better as a State and as a people because of those commitments. I feel so lucky to have known her and work with her some and I feel so proud of her work and the inspiration it will be for us for years to come, so I am happy to join in support of this resolution. Thank you."

Senator Ballance:

"As a member of Justice and Public Safety, we worked very closely with Ilene Nelson and she didn't like to take no for an answer. There was an issue about this was a volunteer program and some people raised the question about why does it cost so much to run a volunteer program. Well, she explained it to us and we put the money in the budget."

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Senator Kinnaird:

"In Orange County one name came up over and over when you talked about social justice, civic activism, and family court, and that was Ilene Nelson. She had a legacy and a reputation that reached into so many areas of so many lives and was so admired because of that. I would also like to say that she passed her legacy to her children who have carried on that tradition and that mission, and I am very proud to have known that wonderful woman, Ilene Nelson. Thank you."

Senator Miller:

"Thank you Madame President. I have stood on the floor and debated, or spoken to, memorializing resolutions for many North Carolinians who I admired greatly, Terry Sanford, Richardson and Emily Preyer. They were people I knew some, but mainly at a distance, not as peers, not as contemporaries, not as personal friends. I know we are here to memorialize Ilene Nelson's personal life but I cannot think of the loss of Ilene Nelson except as a loss to all of us, the loss we all have as an advocate, I think is the first loss I feel. I think many of us feel, here on this floor, and I know here in this community in Raleigh who have known Ilene well. Ilene was not someone I knew from a distance, she was someone I'd see around town. She was someone I would bump into at the grocery store. I'd see her playing tennis at North Hills Club even when she was slick bald from the cancer treatments she was receiving. She was an enthusiastic, if not particularly skilled, tennis player. She did give it the same enthusiasm that she gave to everything else. She was a great political supporter of mine but never an uncritical one. I always knew that I could lose Ilene's support, so for those of you in the leadership who wondered why I have been unyielding sometimes on some issues, it is because I knew that I had to answer to the likes of Ilene Nelson. There are a lot of people I have known who are my contemporaries, my friends in politics and in the community, that I look forward to growing old with and Ilene Nelson was one of them and I am sorry that I will not get to do that."

Senator Lee:

"Thank you Madame President and members of the Senate. Time does not permit all that I could say about Ilene. I happened to be an active member of the faculty of the School of Social Work when Gary was appointed to the faculty and they returned from Hawaii. One could not meet her without certainly being infected by the enthusiasm and the commitment to helping and advancing the cause of children. We had a conversation on many occasions and I am delighted to have been a part of this body to help support the Guardian Ad Litem program and to watch it grow and become quite effective. I believe, as I am sure Ilene does, that if we really want to look into the future all we have to do is to look into the eyes of children. Then there is the question we often ask, what is life really like after death? If there is such a thing, it seems to me it is found in doing something before we die that will live a long time after we're gone. With the lives of the children and the advocacy she expressed on behalf of children, I have no question that Ilene Nelson will be living for a long time. I am delighted to have known her, I take pride in the work she achieved, and I am delighted that she has been a part of our lives."

Senator Reeves:

"Like Senator Miller, I knew Ilene very well. Of course she was our constituent and she was unyielding. I knew her pretty well, she came to my house a lot, dated a friend of mine for a while, and she was just a very extraordinary person. I will share with you just a brief story. When I ran for the State Senate in 1996, she and Marty Gear, who is now running for the Court of Appeals, had come by on yard sign day when we put yard signs out. Brad has always been the master at yard signs, I always tried to play catch-up to him,

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but Marty and Ilene came to help the cause. They came back and we always did hot dogs or pizza or something after the day and sat around on the front porch and talked about the experiences, and it was always fun to listen to what people said when they were putting yard signs in people's yards. Well, Ilene and Marty had gotten the idea that they didn't like the way Capital Boulevard looked and they decided that Capital Boulevard needed a few more yard signs, and of course they were putting them in the median. The police officer stopped them and asked them what they were doing. The police officer just let them keep the yard signs up. But it got in the paper the next day and that's where we came up with, everybody in this room knows exactly what I am saying, but we came up with the statement, well we just had some overzealous volunteers. Well, Ilene was just an overzealous person period. She is one of those people, that every time I'd sit in my office and she was there, or at home, or socially, she'd always just say, 'why not?', why can't you do this?'. I mean that is what she did, she just questioned authority. I guess it was the generation she came out of. But it was question authority, question what was going on, and it was great to be with her all the time. The memorial at the Temple was just unbelievable. I don't know if a lot of ya'll attended but it was one of the most bizarre and at the same time exhilarating events that I have ever attended. I learned things about her that I didn't know. I didn't know that she was in a gospel group and I knew her very well. I guess what I would like to end saying is that, while she did question authority and that she did push very hard for the things that she believed in, I always had wonderful discussions with her about her family. She was extremely, extremely proud of Aaron and Alicia and I think that is something that the two of ya'll need to know. At home or in the office, she spoke a lot about the both of you and was tremendously proud and I am proud of you."

Senator Cunningham:

"Madame President, I will be brief. I was very honored to count Ilene Nelson as a friend. I was honored also to count her as a professor of mine at the UNC School of Law, she taught Juvenile Law. Children in the Legal System is actually what the course was called. Senator Wellons, it was in 1999 that I was taking that class when the 23rd Senate District seat came open and when Ilene Nelson would not take no for an answer. So, likewise, I am very much here for being prompted by Ilene. In addition to the many, many lives that she touched and the many children that she advocated for whose lives are better today, she leaves us with two outstanding additional legacies, the wonderful Alicia and my very, very close friend, Aaron Nelson, who are two people who are, perhaps more committed to social justice than any other two I know, and for that Ilene Nelson will continue to live with all of us."

The joint resolution passes its second reading (50-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

The President extends the courtesies of the gallery to Aaron and Alicia Nelson, children of Ilene B. Nelson, and family and friends.

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:

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

H.B. 1521, A BILL TO BE ENTITLED AN ACT TO CONFORM SOURCING OF MOBILE TELECOMMUNICATIONS SERVICES TO THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT AND TO CODIFY THE SOURCING PRINCIPLES FOR OTHER TELECOMMUNICATIONS SERVICES, with a favorable report.

S.B. 1114, A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VALOREM TAX RATE, with a favorable report.

S.B. 1132, A BILL TO BE ENTITLED AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE TOWN OF ELLENBORO, with a favorable report.

S.B. 1133, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL, with a favorable report.

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO CREATE AN OCCUPANCY TAX DISTRICT IN THE TOWN OF SEVEN DEVILS, AND TO AUTHORIZE THE SEVEN DEVILS TAX DISTRICT TO LEVY AN OCCUPANCY TAX, with a favorable report.

S.B. 1288, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BETHEL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES BEYOND ITS LIMITS SUBJECT TO THE APPROVAL OF THE PITT COUNTY BOARD OF COMMISSIONERS, with a favorable report.

S.B. 1300, A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF NEWTON, with a favorable report.

S.B. 1357, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO DURHAM COUNTY OCCUPANCY TAX PROVISIONS, with a favorable report.

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

S.B. 1199, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY WAYS THE STATE CAN COORDINATE AND FACILITATE PUBLIC ACCESS TO PUBLIC AND PRIVATE FREE AND DISCOUNT PRESCRIPTION DRUG PROGRAMS FOR SENIOR CITIZENS, with a favorable report.

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:

H.B. 1511, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE POLK, RUTHERFORD, AND TRANSYLVANIA COUNTIES TO REQUIRE THE PAYMENT

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OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Referred to **Finance Committee**.

H.B. 1538, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO DISTRIBUTION TO KNOWN BUT UNLOCATED DEVISEES OR HEIRS TO CONFORM TO THE NORTH CAROLINA UNCLAIMED PROPERTY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

H.B. 1539, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE PROHIBITION ON THE ESTABLISHMENT OF AUTOMATED TELLER MACHINES OR OTHER INFORMATION-PROCESSING DEVICES OR MACHINES BY OUT-OF-STATE FINANCIAL INSTITUTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

CALENDAR *(continued)*

H.B. 1482, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF SALUDA, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—50.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1510, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ICARD FIRE DISTRICT TO LEVY AN AD VALOREM TAX AT THE GENERAL LAW RATE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—50.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ANNEX DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—50.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1613, A BILL TO BE ENTITLED AN ACT TO REVISE THE BOUNDARIES OF THE HARTSEASE AND HARRISON FIRE TAX DISTRICTS IN EDGEcombe COUNTY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—50.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1530, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF TABOR CITY TO LEVY SPECIAL ASSESSMENTS FOR STREET OR SIDEWALK IMPROVEMENTS WITHOUT PETITION, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—49.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, June 27, upon third reading.

H.B. 1578, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE SCRAP TIRE DISPOSAL TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—50.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor by special message.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 2:48 P.M. to meet tomorrow, Thursday, June 27, at 10:15 A.M.

June 26, 2002

ONE HUNDRED NINETY-SECOND DAY

Senate Chamber
Thursday, June 27, 2002

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 often couch life in terms of 'pop culture' like 'win-win', 'win-lose' and so on. If the Senators or staff or people in the gallery think they are facing what appears to be a 'lose-lose' situation, remind them that you are a God who has mercifully reached out at such critical times and rescued your people. That is what salvation history is all about. We look for your help today and in the days ahead. Amen."

The Chair grants leaves of absence for today to Senator Miller, Senator Moore, Senator Rucho, Senator Warren and Senator Wellons.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, June 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.

The President of the Senate extends courtesies of the floor to Dr. Bruce S. Whitman from Lumberton, North Carolina, who is serving the Senate as Doctor of the Day, and to Pat Humphrey-Kloes from Raleigh, 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. 1111, AN ACT TO CONTINUE CURRENT DIRECTIONS AND LIMITATIONS ON THE EXPENDITURES OF STATE FUNDS, TO AUTHORIZE THE USE OF THE SAVINGS RESERVE ACCOUNT TO BALANCE THE BUDGET, TO PROVIDE THAT THERE BE NO AUTOMATIC STEP INCREASES FOR STATE AND PUBLIC SCHOOL EMPLOYEES, TO SET THE CONTRIBUTION RATE TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, AND FOR WORKER TRAINING TRUST FUND PROGRAMS, AND TO MAINTAIN 2001-2002 PARTICIPATION LEVELS IN THE AIDS DRUG ASSISTANCE PROGRAM.

H.B. 1487, AN ACT TO EXTEND EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW.

H.B. 1578, AN ACT TO REMOVE THE SUNSET ON THE SCRAP TIRE DISPOSAL TAX.

June 27, 2002

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 1220, AN ACT TO EXTEND THE SUNSET EXEMPTING DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

H.B. 1482, AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF SALUDA.

H.B. 1510, AN ACT TO ALLOW THE ICARD FIRE DISTRICT TO LEVY AN AD VALOREM TAX AT THE GENERAL LAW RATE.

H.B. 1587, AN ACT TO ANNEX DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE.

H.B. 1613, AN ACT TO REVISE THE BOUNDARIES OF THE HARTSEASE AND HARRISON FIRE TAX DISTRICTS IN EDGEcombe COUNTY.

S.J.R. 1422, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ILENE B. NELSON, ADVOCATE FOR ABUSED AND NEGLECTED CHILDREN. (Res. 2)

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**:

S.B. 1146, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF NEWTON AND CLAREMONT AND THE TOWN OF MAIDEN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8763, which changes the title to read **S.B. 1146** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, 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:

H.B. 1557, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH CULTIVATION LEASES IN CORE SOUND AND TO DIRECT THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO STUDY VARIOUS MARINE FISHERIES ISSUES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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

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H.B. 1579 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF AIRBOATS ON LAKE TILLERY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

H.B. 1584 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE STATE DEADLINE FOR APPROVAL OF HAZARD MITIGATION PLANS CONSISTENT WITH THE FEDERAL DEADLINE FOR APPROVAL OF THESE PLANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO EXTEND THE DATE BY WHICH CERTAIN SMALL MUNICIPAL WASTE COMBUSTION UNITS MUST ACHIEVE COMPLIANCE WITH CERTAIN REQUIREMENTS RELATED TO THE EMISSION OF AIR POLLUTANTS.

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

CALENDAR

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

H.B. 1530, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF TABOR CITY TO LEVY SPECIAL ASSESSMENTS FOR STREET OR SIDEWALK IMPROVEMENTS WITHOUT PETITION, upon third reading.

The bill 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, Carpenter, Carrington, Carter, Clark, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Weinstein—43.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 1114, A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VALOREM TAX RATE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Weinstein—43.

Voting in the negative: None.

The bill remains on the Calendar for Monday, July 1, upon third reading.

S.B. 1132, A BILL TO BE ENTITLED AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE TOWN OF ELLENBORO, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Odom, Plyler, Purcell, Rand,

Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Weinstein—43.

Voting in the negative: None.

The bill remains on the Calendar for Monday, July 1, upon third reading.

S.B. 1300, A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF NEWTON, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Weinstein—43.

Voting in the negative: None.

The bill remains on the Calendar for Monday, July 1, upon third reading.

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO CREATE AN OCCUPANCY TAX DISTRICT IN THE TOWN OF SEVEN DEVILS, AND TO AUTHORIZE THE SEVEN DEVILS TAX DISTRICT TO LEVY AN OCCUPANCY TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Weinstein—42.

Voting in the negative: Senators Allran, Carpenter and Forrester—3.

The bill remains on the Calendar for Monday, July 1, upon third reading.

S.B. 1133, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1288, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BETHEL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES BEYOND ITS LIMITS SUBJECT TO THE APPROVAL OF THE PITT COUNTY BOARD OF COMMISSIONERS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1357, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO DURHAM COUNTY OCCUPANCY TAX PROVISIONS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1521, A BILL TO BE ENTITLED AN ACT TO CONFORM SOURCING OF MOBILE TELECOMMUNICATIONS SERVICES TO THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT AND TO CODIFY THE SOURCING

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PRINCIPLES FOR OTHER TELECOMMUNICATIONS SERVICES, upon second reading.

The 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, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Weinstein--45.

Voting in the Negative: None.

The bill remains on the Calendar for Monday, July 1, upon third reading.

S.B. 1199, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY WAYS THE STATE CAN COORDINATE AND FACILITATE PUBLIC ACCESS TO PUBLIC AND PRIVATE FREE AND DISCOUNT PRESCRIPTION DRUG PROGRAMS FOR SENIOR CITIZENS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 759 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY referred to the **Judiciary I Committee** on August 15, 2001.

Pursuant to Rule 47(a), Senator Clodfelter offers a motion that the House Committee Substitute bill be withdrawn from the **Judiciary I Committee** and placed on the Calendar for Monday, July 1, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Judiciary I Committee** and places it on the Calendar for Monday, July 1.

H.B. 1308 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DATE BY WHICH ONLY LOW-SULFUR GASOLINE MAY BE SOLD IN THE STATE AND TO AUTHORIZE THE GOVERNOR TO TEMPORARILY WAIVE STATE LOW-SULFUR GASOLINE STANDARDS IN FAVOR OF FEDERAL LOW-SULFUR GASOLINE STANDARDS IF THE GOVERNOR FINDS THAT ENFORCEMENT OF THE STATE STANDARDS WOULD HAVE A SIGNIFICANT ADVERSE IMPACT ON THE SUPPLY OR PRICE OF GASOLINE IN THE STATE, referred to the **Rules and Operations of the Senate Committee** on May 1, 2001.

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 re-referred to the **Agriculture/Environment/Natural Resources 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 **Agriculture/Environment/Natural Resources Committee**.

Upon motion of Senator Basnight, seconded by Senator Reeves, the Senate adjourns at 11:01 A.M. to meet Monday, July 1, at 7:15 P.M.

ONE HUNDRED NINETY-THIRD DAY

Senate Chamber
Monday, July 1, 2002

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, after the prayer that opens one of these Senate Sessions, you will still be here and we would have it that way. Otherwise, we shall discuss more and more and settle less and less.

"Unite the Senators, we pray, behind that right way to achieve solutions to the difficult problems they face. When the Amen is said, let that be the beginning not the end of your work through them. Amen."

The Chair grants leaves of absence for tonight to Senator Ballantine, Senator Clodfelter, Senator Robinson, Senator Webster and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, June 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 Dr. Warner L. Hall, Jr. from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Pamela Smith from Manson, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

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

H.B. 1521, A BILL TO BE ENTITLED AN ACT TO CONFORM SOURCING OF MOBILE TELECOMMUNICATIONS SERVICES TO THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT AND TO CODIFY THE SOURCING PRINCIPLES FOR OTHER TELECOMMUNICATIONS SERVICES, upon third reading.

Upon motion of Senator Kerr, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 2, upon third reading.

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 Rand for the **Rules and Operations of the Senate Committee**:

S.B. 1135, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL LAWS OF THE 17TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8764, which changes the title to read **S.B. 1135** (Committee Substitute), A BILL TO BE ENTITLED AN ACT

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TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO USE THE DESIGN-BUILD METHOD OF CONTRACTING FOR THE MULTILANING OF US HIGHWAY 601 FROM THE SOUTH CAROLINA STATE LINE TO US HIGHWAY 74 IN UNION COUNTY, is adopted and engrossed.

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

H.B. 893, A BILL TO BE ENTITLED AN ACT TO INCLUDE MOORE COUNTY AMONG THOSE COUNTIES IN WHICH DOGS MAY NOT BE USED TO HUNT DEER, 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 7385, which changes the title to read **H.B. 893** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE WILDLIFE RESOURCES COMMISSION TO REPORT ON ITS EFFORTS TO ENSURE COMPLIANCE WITH LOCAL HUNTING LAWS BY DEER HUNTERS USING DOGS IN MOORE COUNTY, is adopted and engrossed.

INTRODUCTION OF A JOINT RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Carpenter; Allran, Ballantine, Forrester, Foxx, Horton, Kerr and Thomas:

S.J.R. 1469, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON, A STRONG DEFENDER OF RELIGIOUS FREEDOM, ON THE 225TH ANNIVERSARY OF HIS BIRTH.

Referred to **Rules and Operations of the Senate Committee**.

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:

H.B. 1533, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BERTIE, DURHAM, HERTFORD, AND NORTHAMPTON COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Referred to **Finance Committee**.

H.B. 1544 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

H.B. 1545, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF ELK KNOB STATE NATURAL AREA AND BEECH CREEK BOG STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE

July 1, 2002

ENVIRONMENTAL REVIEW COMMISSION.

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

H.B. 1581 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING ELECTRONIC SIGNATURES AND PLATS FILED WITH THE CABARRUS AND MECKLENBURG COUNTY REGISTERS OF DEEDS.

Referred to **Judiciary I Committee**.

H.B. 1583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGAL EFFECT OF THE USE OF ELECTRONIC TECHNOLOGY IN CRIMINAL PROCESS AND PROCEDURE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.

Referred to **Judiciary I Committee**.

H.B. 1614, A BILL TO BE ENTITLED AN ACT TO CLARIFY RESIDENCE REQUIREMENTS FOR THE CITY OF LINCOLNTON SEAT ON THE LINCOLN COUNTY BOARD OF EDUCATION.

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

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

Referred to **Local Government I Committee**.

H.B. 1650, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE REGULATION OF TAXIS TO COMPLY WITH FBI STANDARDS REGARDING NON-LAW ENFORCEMENT CRIMINAL BACKGROUND CHECKS.

Referred to **Judiciary I Committee**.

H.B. 1691, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TROY REDEVELOPMENT COMMISSION TO CONVEY PROPERTY TO A NONPROFIT ORGANIZATION FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING IN A REDEVELOPMENT AREA.

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

H.B. 1714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CARTERET COUNTY BOARD OF EDUCATION TO LEASE PROPERTY TO THE BOYS AND GIRLS CLUB.

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

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. 1530, AN ACT TO ALLOW THE TOWN OF TABOR CITY TO LEVY SPECIAL ASSESSMENTS FOR STREET OR SIDEWALK IMPROVEMENTS WITHOUT PETITION.

July 1, 2002

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. 1220, AN ACT TO EXTEND THE SUNSET EXEMPTING DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS. (Became law upon ratification, June 27, 2002—S.L. 2002-5).

H.B. 1482, AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF SALUDA. (Became law upon ratification, June 27, 2002—S.L. 2002-6).

H.B. 1510, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ICARD FIRE DISTRICT TO LEVY AN AD VALOREM TAX AT THE GENERAL LAW RATE. (Became law upon ratification, June 27, 2002—S.L. 2002-7).

H.B. 1587, AN ACT TO ANNEX DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE. (Became law upon ratification, June 27, 2002—S.L. 2002-8).

H.B. 1613, AN ACT TO REVISE THE BOUNDARIES OF THE HARTSEASE AND HARRISON FIRE TAX DISTRICTS IN EDGECOMBE COUNTY. (Became law upon ratification, June 27, 2002—S.L. 2002-9).

CALENDAR (*continued*)

S.B. 1114, A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VALOREM TAX RATE, upon third reading.

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

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

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1132, A BILL TO BE ENTITLED AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE TOWN OF ELLENBORO, upon third reading.

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

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

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO CREATE AN OCCUPANCY TAX DISTRICT IN THE TOWN OF SEVEN DEVILS, AND TO AUTHORIZE THE

SEVEN DEVILS TAX DISTRICT TO LEVY AN OCCUPANCY TAX, upon third reading.

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

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

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1300, A BILL TO BE ENTITLED AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF NEWTON, upon third reading.

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

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

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1146 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, upon second reading.

Senator Albertson offers Amendment No. 1 which is adopted (42-0).

The amendment is ruled to be material, which constitutes first reading.

The Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, Tuesday, July 2, upon second reading.

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

Upon motion of Senator Gulley, the Senate fails to concur in the House Committee Substitute bill (0-43).

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

APPOINTMENT OF CONFEREES

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

Pursuant to the Senate having failed to concur in the House Committee Substitute bill and a motion by Senator Gulley to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Gulley, Chairman; and Senator Dalton; Senator Clodfelter; and Senator Bingham 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.

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SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Jennifer Kelly Beasley, Chapel Hill; Michele Monique Bennett, Garner; Tate Daniel Bolick, Claremont; Philip P. Boyne, Raleigh; Laura Broderick, Plymouth; Whitney Campbell, Monroe; Sarah Meaghan Clark, Concord; William Ashton Cole, Gastonia; Danielle Marie Cross, Elizabeth City; Michael Henry Easton, Clayton; Johnika Gardin, Gastonia; Jamie Lauren Gilio, Fayetteville; Jacqueline Hall, Stanley; Bryon Houghton, Sylva; Lydia Marlowe Ivey, Goldsboro; Mary Lynn Jennings, Elizabeth City; Bryan McCaskill, Gastonia; William C. McFarland II, Clayton; Andrew Mattison Newman, Greensboro; Quashonda Danielle Patterson, Gastonia; Dustin M. Peele, Buxton; and Anthony Stowe, Gastonia.

Upon motion of Senator Basnight, seconded by Senator Clark, the Senate adjourns at 7:28 P.M. to meet tomorrow, Tuesday, July 2, at 2:15 P.M.

ONE HUNDRED NINETY-FOURTH DAY

Senate Chamber
Tuesday, July 2, 2002

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:

"Attentive Lord, we've all been guilty, in the course of a discussion or argument, of saying condescendingly, 'I hear you.' What we really mean is, 'Whatever you are saying, I'm not going to take notice of it.'

"We all need to be heard and to be good listeners, not just the ability to interpret sound waves, but taking notice of what is being said, that is understanding others.

"So today, we give thanks for the gift of hearing; give us grace and patience to practice it for the benefit of others and more importantly, to hear the still small voice of your presence as you speak to us today. In your name we pray, Amen."

The Chair grants leaves of absence for today to Senator Clodfelter and Senator Cunningham.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 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.

The President of the Senate extends courtesies of the floor to Sharon Pearce from Lexington, 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:

July 2, 2002

H.B. 1578, AN ACT TO REMOVE THE SUNSET ON THE SCRAP TIRE DISPOSAL TAX. (Became law upon approval of Governor, June 27, 2002–S.L. 2002-10).

H.B. 1487, AN ACT TO EXTEND EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW. (Became law upon approval of the Governor, June 27, 2002–S.L. 2002-11).

S.B. 1111, AN ACT TO CONTINUE CURRENT DIRECTIONS AND LIMITATIONS ON THE EXPENDITURES OF STATE FUNDS, TO AUTHORIZE THE USE OF THE SAVINGS RESERVE ACCOUNT TO BALANCE THE BUDGET, TO PROVIDE THAT THERE BE NO AUTOMATIC STEP INCREASES FOR STATE AND PUBLIC SCHOOL EMPLOYEES, TO SET THE CONTRIBUTION RATE TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, AND FOR WORKER TRAINING TRUST FUND PROGRAMS, AND TO MAINTAIN 2001-2002 PARTICIPATION LEVELS IN THE AIDS DRUG ASSISTANCE PROGRAM. (Became law upon approval of the Governor, June 27, 2002–S.L. 2002-12).

H.B. 1530, AN ACT TO ALLOW THE TOWN OF TAVOR CITY TO LEVY SPECIAL ASSESSMENTS FOR STREET OR SIDEWALK IMPROVEMENTS WITHOUT PETITION. (Became law upon ratification, July 1, 2002–S.L. 2002-13).

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:

H.B. 1493, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN GRANVILLE COUNTY.

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

H.B. 1585, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

Referred to **State and Local Government 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 Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1557, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH CULTIVATION LEASES IN CORE SOUND AND TO DIRECT THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO STUDY VARIOUS MARINE FISHERIES

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ISSUES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with a favorable report.

H.B. 1584 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE STATE DEADLINE FOR APPROVAL OF HAZARD MITIGATION PLANS CONSISTENT WITH THE FEDERAL DEADLINE FOR APPROVAL OF THESE PLANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO EXTEND THE DATE BY WHICH CERTAIN SMALL MUNICIPAL WASTE COMBUSTION UNITS MUST ACHIEVE COMPLIANCE WITH CERTAIN REQUIREMENTS RELATED TO THE EMISSION OF AIR POLLUTANTS, with a favorable report.

S.B. 1263, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8765, is adopted and engrossed.

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

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

S.B. 1232, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WITH AT LEAST TEN YEARS OF SERVICE TO CONTINUE AS MEMBERS AFTER THE TAKEOVER OF A VOLUNTEER DEPARTMENT BY A CITY OR COUNTY, with a favorable report.

S.B. 1238, A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5823, is adopted and engrossed.

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

By Senator Carter for the **Education/Higher Education Committee**:

S.B. 1231, A BILL TO BE ENTITLED AN ACT TO AMEND G.S. 116-19 BY DEFINING THE TERMS "NEEDY NORTH CAROLINA STUDENTS" AND "INSTITUTIONAL METHODOLOGY", with a favorable report.

S.B. 1275, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY

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COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4720, which changes the title to read **S.B. 1275** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL, is adopted and engrossed.

CALENDAR

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

S.B. 1146 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, as amended by a material amendment on July 1, upon second reading.

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight,

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Berger, Bingham, Carpenter, Carrington, Carter, Clark, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gullely, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, 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, as amended, remains on the Calendar for tomorrow, Wednesday, July 3, upon third reading.

H.B. 893 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE WILDLIFE RESOURCES COMMISSION TO REPORT ON ITS EFFORTS TO ENSURE COMPLIANCE WITH LOCAL HUNTING LAWS BY DEER HUNTERS USING DOGS IN MOORE COUNTY.

The Senate Committee Substitute bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1521, A BILL TO BE ENTITLED AN ACT TO CONFORM SOURCING OF MOBILE TELECOMMUNICATIONS SERVICES TO THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT AND TO CODIFY THE SOURCING PRINCIPLES FOR OTHER TELECOMMUNICATIONS SERVICES, upon third reading.

The bill passes 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, Clark, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gullely, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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 bill is ordered enrolled and sent to the Governor 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 reports accompanying them, and take their place on the Calendar, as follows:

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

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, with a favorable report.

H.B. 1517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF LITTLETON, with a favorable report.

S.B. 1346, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, with a favorable report.

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S.B. 1160, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6872, which changes the title to read **S.B. 1160** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES AND TO PROVIDE A ONE-TIME EXTENSION TO THE TIME PERIOD IN WHICH A TAXPAYER MAY SIGN A LETTER OF COMMITMENT WITH THE DEPARTMENT OF COMMERCE TO QUALIFY FOR A LOWER TIER DESIGNATION, is adopted and engrossed.

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, 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 5411, is adopted and engrossed.

Upon motion of Senator Basnight, seconded by Senator Shaw of Guilford, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Wednesday, July 3, at 10:30 A.M.

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 Harris for the **Pensions & Retirement and Aging Committee**:

S.B. 1429, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO CONFORM WITH THE PROVISIONS OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1743, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:50 P.M.

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ONE HUNDRED NINETY-FIFTH DAY

Senate Chamber
Wednesday, July 3, 2002

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, in a letter to his wife on July 2, 1776, John Adams wrote, 'Yesterday the greatest question was decided which ever was decided and debated in America; and a greater perhaps never was, nor will be, decided among people. A resolution was passed without one dissenting colony, that these United Colonies are, and of right ought to be, free and independent States.'

"Help us to understand what it is we celebrate tomorrow and all that it means, may our freedom be seen as the opportunity to do what is right and that our liberty, though some would dispute it, is based on the foundational truth that we are one nation, under God.

"Even as we struggle with threats of terrorism that challenge our freedom, let us be determined and not afraid to stand alone for the right of freedom for all people in our world.

"Help us to honor those who have birthed, kept, and safeguarded our liberty. For freedom, you have set us free. God Bless America. Amen."

The Chair grants leaves of absence for today to Senator Ballance, Senator Clodfelter, Senator Cunningham and Senator Hartsell.

Senator Rand announces that the Journal of yesterday, Tuesday, July 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 Dr. W. Grimes Byerly, Jr. from Hickory, North Carolina, who is serving the Senate as Doctor of the Day, and to Julie Lowery from Chapel Hill, 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:

H.B. 1521, AN ACT TO CONFORM SOURCING OF MOBILE TELECOMMUNICATIONS SERVICES TO THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT AND TO CODIFY THE SOURCING PRINCIPLES FOR OTHER TELECOMMUNICATIONS SERVICES.

The Senate recesses at 10:37 A.M. to reconvene at 10:50 A.M.

RECESS

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

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CALENDAR

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

S.B. 1160 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES AND TO PROVIDE A ONE-TIME EXTENSION TO THE TIME PERIOD IN WHICH A TAXPAYER MAY SIGN A LETTER OF COMMITMENT WITH THE DEPARTMENT OF COMMERCE TO QUALIFY FOR A LOWER TIER DESIGNATION, upon second reading.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 9, upon second reading.

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, upon second reading.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 9, upon second reading.

WITHDRAWAL FROM COMMITTEE

H.B. 1105, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO INSURANCE LAWS, referred to the **Insurance and Consumer Protection Committee** on April 25, 2001.

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

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

CALENDAR *(continued)*

S.B. 1231, A BILL TO BE ENTITLED AN ACT TO AMEND G.S. 116-19 BY DEFINING THE TERMS "NEEDY NORTH CAROLINA STUDENTS" AND "INSTITUTIONAL METHODOLOGY".

Upon motion of Senator Lucas, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 10.

INTRODUCTION OF A JOINT RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Basnight, Ballance, Dannelly, Lee, Lucas, Martin of Guilford, Shaw of Cumberland; Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Dalton, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaid, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler,

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Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons:

S.J.R. 1470, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LUTHER HENRY JORDAN, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion Senator Rand, the joint resolution is ordered placed on the Calendar, for Tuesday, July 9.

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:

H.B. 1600, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONMENT OF JUNKED MOTOR VEHICLES IN THE CITY OF ALBEMARLE.

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

H.B. 1683, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE SEVEN SEPARATE SEATS ON THE WAYNE COUNTY BOARD OF COMMISSIONERS.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 2, 2002

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 759**, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY, and requests conferees, the Speaker appoints:

Representative Hackney, Chair;
Representative Saunders
Representative Cole
Representative Miner, 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 G. Weeks
Principal Clerk

Without objection, upon motion of Senator Rand all bills on tomorrow's Calendar, Thursday, July 4, are ordered placed on the Calendar for Tuesday, July 9.

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CALENDAR *(continued)*

S.B. 1146 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, as amended on second reading, upon third reading.

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

Voting in the affirmative: Senators Albertson, Allran, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—41.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 1517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF LITTLETON, upon second reading.

Senator Hoyle offers Amendment No. 1 which is adopted (44-0).

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

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

Voting in the negative: None.

The Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, July 9, upon third reading.

REPORTS OF COMMITTEES

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

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

S.B. 1135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO USE THE DESIGN-BUILD METHOD OF CONTRACTING FOR THE MULTILANING OF US HIGHWAY 601 FROM THE SOUTH CAROLINA STATE LINE TO US HIGHWAY 74 IN UNION COUNTY, with a favorable report.

The Committee Substitute bill is placed on the Calendar for Tuesday, July 9, upon second reading.

S.B. 1238 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES'

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RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, with a favorable report.

Upon motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 1429 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO CONFORM WITH THE PROVISIONS OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001, with a favorable report.

The Committee Substitute bill is placed on the Calendar for Tuesday, July 9.

INTRODUCTION OF A RESOLUTION

Senator Rand offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Basnight, Ballantine; Albertson, Allran, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Horton, Hoyle, Lee, Lucas, Martin of Guilford, Martin of Pitt, Metcalf, Moore, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein:

S.J.R. 1471, A JOINT RESOLUTION COMMEMORATING INDEPENDENCE DAY AND EXPRESSING SUPPORT OF THE RECITAL OF THE PLEDGE OF ALLEGIANCE.

With unanimous consent, upon motion of Senator Rand, the joint resolution is placed on today's Calendar.

CALENDAR *(continued)*

S.B. 1346, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS.

The bill passes its second reading 45-0.

Senator Wellons objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, July 9.

S.J.R. 1471, A JOINT RESOLUTION COMMEMORATING INDEPENDENCE DAY AND EXPRESSING SUPPORT OF THE RECITAL OF THE PLEDGE OF ALLEGIANCE, placed earlier on today's calendar.

Upon motion Senator Rand, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the Senators on S.J.R. 1471, are spread upon the Journal, as follows:

Senator Basnight:

"Thank you Madame President and members of the Senate. When I think of this day and this special time, I think of John Adams and Thomas Jefferson, especially, the two of those. Jefferson who was so crafty in penning not the Pledge of Allegiance but the Declaration. But it was John Adams that truly spent the time and made the effort to convince all colonies that we should join and declare independence. New York was the one state that would not do so on that particular day, but it was on July 2, as you all know,

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that Adams made his famous speech and Jefferson would not debate at that time. Adams made the speech in Philadelphia with the doors nailed shut to convince all that independence, the freedom of life, the freedom to become whatever you choose to become was ever so important. He gave all that he had to do so. All through all his challenges of life with Abigail and his family and the difficulties with the children, he still believed that America needed to be independent and he made those sacrifices to convince others. So, that certainly was a famous day and continues to be the most famous of all for us in this Country and this State as we celebrate our independence from British rule. The Pledge of Allegiance, the pledge of our allegiance to our flag, it is also interesting that Francis Bellamy who wrote the pledge, and it was modified in 1954 when we put in Under God, which was amended at that time, was a socialist. He was the leader of public education in his community at that time, and he believed that there had to be allegiance, there had to be a Republic, and Republic was the word for which we stood that brought us all together, all states as one. We fought on those issues during the Civil War and we prevailed as one Union, as one people. I believe that each and every time that we look at the flag, and we use Under God as an oath to the hierarchy of what we are of life, the person who gave us life, it is critically important that we have that included in our words, in our pledge that America stands for. This is a fabulous time. Tomorrow is a great day and our pledge is ever so important to us and at a proper time I'd recommend that we say the Pledge of Allegiance to the flag and I encourage your endorsement of this bill."

Senator Ballantine:

"Thank you Madame President. Members of the Senate I want to thank Senator Rand and Senator Basnight. It is an important resolution and it is a time in our history where we need to renew our spirit and patriotism and I am proud to stand in support of this resolution. Senator Basnight, I believe a year or so ago on the Senate floor, mentioned a book that he was reading, *John Adams*, and I went and purchased that. A lot of times as politicians you are asked who your most admired politician is and I dare say that if any of you read that book, you will select John Adams. I have always said Thomas Jefferson, but John Adams is really under appreciated and one of the most remarkable people that has ever lived. The Declaration of Independence as Senator Basnight said, is the seminal document that is really the founding of our great country. We all know it's passage, 'We hold these truths to be self-evident, that all men are created equal.' Those are remarkable lines that are a tribute to what we all stand for and the Declaration of Independence is a great holiday. Tomorrow we will dress my daughter who will be almost three in patriotic attire and put her in a wagon and go in a little neighborhood parade, as I am sure that all of you will have cook-outs and enjoy the family and the celebration of America. The Pledge of Allegiance, as we all know, is another symbol of our patriotism and Francis Bellamy wrote this so that we could show our loyalty to the United States of America. He wanted children to know about patriotism and give students that sense of pride that we all share in our country. So on this day, July 3, the day before the signing of the Declaration of Independence and at a time when we do need to understand the true meaning of our pledge, I appreciate the opportunity to rise and support this resolution that all fifty Senators signed and I urge your adoption. Thank you."

Senator Horton:

"Members of the Senate as you heard this is an important day for our Nation, but the Declaration of Independence itself was not a legal document. It was a proclamation, if you will. It was left to the individual states to put into effect the nuts and bolts of government, and we did that in North Carolina in New Bern, December 18th, 1776, at a time when war was raging in North Carolina and the entire southern states, when most of the ports had been occupied by British troops, when we were a beleaguered nation with

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hardly an army in the field. And at this time in North Carolina, when the outcome of this revolution was ever so uncertain, the framers of our North Carolina Constitution of 1776, put in there a provision, Article 41, that all useful learning shall be encouraged and promoted in one or more universities. We were the first, I believe, to recognize the importance of educating our leadership for generations to come and mind you this was in the midst of a war, the outcome of which was uncertain. Those universities were established and the purpose was to provide leadership of our State, many of whom sit in this Chamber and our sister Chamber across the way. It was to promote learning of that core of knowledge of literature and history that we share in common with all that lets our graduates participate in that great continuing conversation that goes back to the days of Homer and Abraham. I don't guess we probably ought to dwell on the fact that today you can now graduate from The University of North Carolina flagship in Chapel Hill without having a single course in literature, a single course in western civilization, with no courses in philosophy and nothing in foreign languages. Perhaps we ought to show a little more oversight, really, as to whether what is being put out are going to be the leaders that we need. But, I think we here in this Chamber have a very special connection with what we have been talking about, because we in this Senate occupy seats in direct lineal descent from those people who sat in the first General Assembly in New Bern on April 7 to May 9th in 1777, just a few months after the Constitution was adopted. From that day until this, these seats have been filled by North Carolinians dedicated to the upholding of this State. Our Lieutenant Governor occupies the seat that was occupied in 1777 by Samuel Ashe of New Hanover and that seat has descended to her step-by-step over the generations. Our clerk, Ms. Pruitt, occupies the seat that in 1777 was occupied by James Green of Craven County, and each of us in our own way has occupied a place in this continuum and so when we talk about our history, when we talk about North Carolina, when we talk about what we want to leave behind us, we here have a very special connection with those people who started it all in 1776. Thank you Madame President."

Senator Lee:

"Thank you Madame President. Members of the Senate, I was just sitting here allowing my mind to sit here and wander back through the annals of time. As a youngster growing up in Georgia and trying to recall what the Fourth of July meant to me, having a father who worked on a granite quarry and the owners of the quarry each Fourth of July would contribute fish and create an atmosphere in which there could be a great community fish-fry. I looked forward to every Fourth of July because the fish was great and I haven't had fish that good since. But it was also a time for us to come together as people to find strength and gather courage and inspiration from each other to go forth through another year until the next Fourth of July. Then I thought how in school we would recite the Pledge of Allegiance and then as I grew older and felt isolated from the mainstream of America and started to refuse to recite the line, 'indivisible', and refused to recite that line until the early sixties when I returned from Korea having for the first time experienced my first de-segregated living environment and recognized that people of all ethnic groups, of genders, had many of the similar experiences I have had of hopelessness, of fear, of feelings of oppressiveness, and in many cases feelings of discrimination. But it takes a trip outside of America for one to really appreciate what we have as a country and then to return. I begin once again to recite the words 'indivisible' with great pride. So when I think of both the Fourth of July and the Pledge of Allegiance and all the aftermath of 9/11, both have taken on an even greater meaning for me because as I sit in this chamber with all of you, I have to remember that I am not here because of something I did on my own but because a lot of people bent over and stooped down and allowed me to get on their backs and then they gave me a boost to grab the next rung. People of all ethnic groups, people of all genders, and people of all classes that of all of us are tied together in this one

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nation, and I say with great pride under God. So I recite the Pledge of Allegiance as I will with most of you today, with a renewed spirit of commitment and patriotism to America, with a great deal of thankfulness and gratefulness that I am an American, that I live in this country, that I've enjoyed the freedom, that I have enjoyed the opportunities. So, the Fourth of July for me has moved from being a time when we eat great fish and laugh and play to a day when I recommit myself to my country, to democracy, to freedom and do it with deeper appreciation. Today I express my appreciation to Senator Basnight, Senator Rand, and Senator Ballantine for joining together in the spirit of partisan unity and patriotism and for one day we put aside our differences and recommit ourselves to America. I am delighted to stand and give my support to the endorsement of this resolution."

Senator Allran:

"As I listened to these great remarks given by everyone else, I was sort of particularly interested in some of the things that Senator Lee said when he talked about feelings of frustration or alienation, or the various human feelings that Senator Lee alluded to. I think that in our own way all of us feel those feelings at different times or have had those feelings. I think that the reason we became so defensive and upset when we heard about the Judge's ruling in California is because we've come to realize that the one thing that unites this country with all its diversity and all the incredible amount of different people that we have in this country is our faith in, our belief in God. As Senator Basnight said, the pledge was originally written different than the way it is recited now. It was written by someone who was more or less a socialist, as Senator Basnight said. The 'one nation under God' part which was added in 1954 was not the only change to the pledge. The first change was to put the United States of America in it. When Francis Bellamy originally wrote it the pledge was, 'I pledge allegiance to my flag and to the republic, etc.' and, of course, it didn't have an illusion to God in it. The reason he wrote it like that was because he wanted any people anywhere in the world to be able to use this pledge. So what we have done over time with the pledge is we have made it more tailored-made to us, so the first thing we did was change it from 'I pledge allegiance to my flag and to the republic', we changed it to 'I pledge allegiance to the flag of the United States of America', which was a change that Bellamy did not support. In 1954, we put in the change, 'one nation under God'. Another thing that is interesting about that, is that if you go back and look at the minutes in the Congress, Robert Taft was in Congress and Eisenhower was President, if you go back and look at the minutes of that debate, they said there is no reason to put a comma in between one nation and under God. So, although we are in the habit of saying 'One nation, under God', because it is easier to say. They made a big deal out of that in Congress saying there is no reason to put a comma in there, we should just say 'One nation under God'. Again, I think the reason that we have evolved the pledge over the years from the sort of socialist document that was intended to be used all over the world to our own situation is because that we realize that at the head of this country is in fact God, and that is what we believe and that is what we need to sustain us, all of us, equally. Thank you."

The joint resolution passes its second reading (44-0) and third reading with members standing and reciting the Pledge of Allegiance, and is ordered sent to the House of Representatives by special message.

H.B. 644 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY, upon second reading.

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

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote,

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ayes 39, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Bingham, Carpenter, Carrington, Carter, Clark, Dalton, Dannelly, Forrester, Garrou, Gulley, Hagan, Harris, Horton, Hoyle, Kerr, Lee, Lucas, Martin of Pitt, 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—39.

Voting in the negative: Senators Ballantine, Berger, Foxx, Garwood, Kinnaird and Webster—6.

The Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, July 9, upon third reading.

S.B. 1232, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WITH AT LEAST TEN YEARS OF SERVICE TO CONTINUE AS MEMBERS AFTER THE TAKEOVER OF A VOLUNTEER DEPARTMENT BY A CITY OR COUNTY.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1275 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

The Committee Substitute bill passes its second (43-1) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

H.B. 1219 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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AMEND THE APPLICABILITY OF THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT TO HOUSING AUTHORITIES UNDER CHAPTER 157 OF THE GENERAL STATUTES, referred to the **Finance Committee** on April 25, 2001.

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

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

CALENDAR (*continued*)

H.B. 1557, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH CULTIVATION LEASES IN CORE SOUND AND TO DIRECT THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO STUDY VARIOUS MARINE FISHERIES ISSUES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The bill passes its second (43-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1584 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE STATE DEADLINE FOR APPROVAL OF HAZARD MITIGATION PLANS CONSISTENT WITH THE FEDERAL DEADLINE FOR APPROVAL OF THESE PLANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO EXTEND THE DATE BY WHICH CERTAIN SMALL MUNICIPAL WASTE COMBUSTION UNITS MUST ACHIEVE COMPLIANCE WITH CERTAIN REQUIREMENTS RELATED TO THE EMISSION OF AIR POLLUTANTS.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 1238 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (43-1).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, July 9.

Upon motion of Senator Rand, seconded by Senator Ballantine, the Senate adjourns in memory of our Founding Fathers at 12:04 P.M. to meet tomorrow, Thursday, July 4, at 8:40 A.M.

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ONE HUNDRED NINETY-SIXTH DAY

Senate Chamber
Thursday, July 4, 2002

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:

"Almighty God, you proclaim your truth in every age by many voices: Direct, in our time, we pray, those who speak where many listen and write what many read; that they may do their part in making the heart of this people wise, its mind sound, and its will righteous; to the honor of Jesus Christ our Lord. Amen."

**Taken from the Episcopal Church book of Common Prayer.*

Senator Lee announces that the Journal of yesterday, July 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.

Upon motion of Senator Lucas, seconded by Senator Lee, the Senate adjourns at 8:41 A.M. to meet Monday, July 8, at 7:15 P.M.

ONE HUNDRED NINETY-SEVENTH DAY

Senate Chamber
Monday, July 8, 2002

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, some people would advise us to 'go with our instincts' when important decisions are to be made. But since our instincts are more about pragmatism than altruism and survival than martyrdom, the better advice might be 'forget your instincts', go with what your heart and head are telling you is God's guidance, less of us and more of you, Dear Lord. Amen."

The Chair grants leaves of absence for tonight to Senator Hagan, Senator Harris, Senator Moore and Senator Reeves.

Senator Rand announces that the Journal of Thursday, July 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.

The President of the Senate extends courtesies of the floor to Dr. Pamela A. LePera from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to

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Nancy Norman from Hamlet, 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. 641, AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT RULES TO EXPAND THE DEFINITION OF UNIVERSAL SERVICE TO INCLUDE STATEWIDE INTERNET ACCESS AND OTHER TECHNOLOGICAL TELECOMMUNICATIONS ADVANCES.

H.B. 1557, AN ACT TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH CULTIVATION LEASES IN CORE SOUND AND TO DIRECT THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO STUDY VARIOUS MARINE FISHERIES ISSUES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

H.B. 1584, AN ACT TO MAKE THE STATE DEADLINE FOR APPROVAL OF HAZARD MITIGATION PLANS CONSISTENT WITH THE FEDERAL DEADLINE FOR APPROVAL OF THESE PLANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO EXTEND THE DATE BY WHICH CERTAIN SMALL MUNICIPAL WASTE COMBUSTION UNITS MUST ACHIEVE COMPLIANCE WITH CERTAIN REQUIREMENTS RELATED TO THE EMISSION OF AIR POLLUTANTS.

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:

H.B. 1486, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE VICINITY OF THE ROANOKE RIVER BRIDGE ON HIGHWAY 17 IN BERTIE COUNTY.

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

H.B. 1520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS AND TO AMEND THE DEFINITION OF QUALIFIED GRANTEE BUSINESS.

Referred to **Finance Committee**.

H.B. 1597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL TERM LIMITS FOR MEMBERS OF THE HAYWOOD COUNTY BOARD OF EDUCATION, EDENTON-CHOWAN COUNTY BOARD OF EDUCATION, AND IREDELL-STATESVILLE BOARD OF EDUCATION.

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

H.B. 1609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING

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TO INVESTMENTS BY THE CITY OF DURHAM.

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

H.B. 1616, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE AROUND EAGLE POINT NATURE PRESERVE ON HIGH ROCK RESERVOIR IN ROWAN COUNTY.

Referred to **Judiciary I Committee**.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows (*See Appendix*):

Executive Order Number 22, Budget Management for Fiscal Year 2002-03.

WITHDRAWAL FROM COMMITTEE

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, referred to the **State and Local Government Committee** on July 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Judiciary I 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 **Judiciary I Committee**.

H.B. 1100, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF COUNTERFEITING NEGOTIABLE INSTRUMENTS, referred to the **Finance Committee** on August 20, 2001.

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

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

S.B. 1219, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GASTONIA, referred to the **Rules and Operations of the Senate Committee** on June 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 **Pensions & Retirement and Aging 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 **Pensions & Retirement and Aging Committee**.

Upon motion of Senator Basnight, seconded by Senator Cunningham, the Senate adjourns at 7:27 P.M. to meet tomorrow, Tuesday, July 9, at 2:15 P.M.

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ONE HUNDRED NINETY-EIGHTH DAY

Senate Chamber
Tuesday, July 9, 2002

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:

"Having heard the two public prayers, Jesus responded, 'I tell you, the tax collector not the religious leader received forgiveness today.' When we want to make ourselves great, O God, teach us the humility of the tax collector that we may also be renewed by your forgiveness. Amen."

The Chair grants a leave of absence for today to Senator Harris.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 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.

The President of the Senate extends courtesies of the floor to Dr. Robert M. Palmer from Tryon, North Carolina, who is serving the Senate as Doctor of the Day, and to Janet Stovall from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

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**:

H.B. 1544 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

H.B. 1545, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF ELK KNOB STATE NATURAL AREA AND BEECH CREEK BOG STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 1251, A BILL TO BE ENTITLED AN ACT TO MERGE THE DIVISION OF RADIATION PROTECTION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES INTO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO CREATE THE RADIATION PROTECTION SECTION OF THE DIVISION OF ENVIRONMENTAL HEALTH, AND TO MAKE CONFORMING STATUTORY CHANGES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW

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COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8766, is adopted and engrossed.

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

H.B. 1488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES, with a favorable report.

H.B. 1505, A BILL TO BE ENTITLED AN ACT TO AMEND THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO BYLAWS TO CONFORM TO THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO ARTICLES OF INCORPORATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 1513, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE RECENT ESTABLISHMENT OF A ROLLING UPSET BID PROCEDURE FOR JUDICIAL AND EXECUTION SALES DID NOT AFFECT THE REQUIREMENT THAT SALES BE CONFIRMED BY THE APPROPRIATE JUDICIAL OFFICIAL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 1539, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE PROHIBITION ON THE ESTABLISHMENT OF AUTOMATED TELLER MACHINES OR OTHER INFORMATION-PROCESSING DEVICES OR MACHINES BY OUT-OF-STATE FINANCIAL INSTITUTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

S.B. 1154, A BILL TO BE ENTITLED AN ACT TO EXPAND THE LIST OF SECTIONS OF THE NORTH CAROLINA CONDOMINIUM ACT THAT APPLY TO CONDOMINIUMS CREATED ON OR BEFORE OCTOBER 1, 1986, AND TO CODIFY AN APPLICABILITY PROVISION RELATING TO THE NORTH CAROLINA PLANNED COMMUNITY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

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

H.B. 1504, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE ATTESTATION REQUIREMENT THAT CONVEYANCES BY BANKS MUST BE EXECUTED BY THE SECRETARY OR THE CASHIER AND TO VALIDATE CONVEYANCES BY BANKS THAT OTHERWISE COMPLY WITH THE STATUTE ON EXECUTION OF CORPORATE CONVEYANCES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 622, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY DECLARE THAT THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS NOT AN UNREASONABLY DANGEROUS ACTIVITY AND DOES NOT CONSTITUTE A NUISANCE PER SE; TO PROVIDE THAT THE AUTHORITY TO BRING SUIT AGAINST ANY FIREARM OR

AMMUNITION MARKETER, MANUFACTURER, DISTRIBUTOR, DEALER, SELLER, OR TRADE ASSOCIATION BY OR ON BEHALF OF ANY GOVERNMENTAL UNIT FOR REMEDIES RESULTING FROM OR RELATED TO THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS RESERVED EXCLUSIVELY TO THE STATE; AND TO PROVIDE THAT ANY SUCH ACTION SHALL BE BROUGHT BY THE ATTORNEY GENERAL ON BEHALF OF THE STATE, 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 5413, 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:

H.B. 1599 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE COMPOSITION OF THE TOWN OF ANGIER BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

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

H.B. 1662 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS.

Referred to **Finance Committee**.

H.B. 1747 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF CHIROPRACTIC EXAMINERS TO COLLECT A FEE FOR THE ANNUAL RECERTIFICATION OF CHIROPRACTIC DIAGNOSTIC IMAGING TECHNICIANS.

Referred to **Finance Committee**.

CALENDAR

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

H.B. 1517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF LITTLETON, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, 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, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Fogg, Garrou, Garwood, Gulley, Hagan, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, 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—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

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S.B. 1346, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS.

The bill passes its third reading (47-0) and is ordered sent to the House of Representatives.

H.B. 644 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY, as amended on second reading, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 37, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Carpenter, Carter, Clark, Clodfelter, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Hartsell, Horton, Hoyle, Kerr, Lee, Lucas, Martin of Pitt, Metcalf, Miller, Moore, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—37.

Voting in the negative: Senators Ballance, Ballantine, Berger, Bingham, Carrington, Cunningham, Foxx, Kinnaird, Odom and Webster—10.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1160 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES AND TO PROVIDE A ONE-TIME EXTENSION TO THE TIME PERIOD IN WHICH A TAXPAYER MAY SIGN A LETTER OF COMMITMENT WITH THE DEPARTMENT OF COMMERCE TO QUALIFY FOR A LOWER TIER DESIGNATION, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 10, upon third reading.

S.J.R. 1470, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LUTHER HENRY JORDAN, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, the rules are suspended, without objection, and the joint resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Upon motion of Senator Basnight, the joint resolution is read in its entirety and, upon motion of Senator Ballance, the remarks of the Senators honoring the memory of Luther Henry Jordan, Jr., former Senator of the North Carolina General Assembly, are spread upon the Journal, as follows:

Senator Basnight:

"Thank you Madame President, members of the Senate. I remember the first time that

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I had a chance to meet Luther. It was on the telephone. We were writing the highway bill and Luther had called about a bypass of Wilmington and why it was not in it. He continuously talked about the benefits of this road and the reasons why it should be included in this new plan, and I was thinking to myself, 'Who is this fellow? I have never had a conversation with him in my life and he is telling me everything I've got to do, not what I should do or what I should consider.' He was very strong in his opinion that that area of the State had been short-changed and we needed to change that and you could do it and you needed to do it tomorrow morning. Well, it wasn't quite that easy to add to the loop plan where Wilmington was not included in the original loop proposal that came off the top of the allocation of highway funds that we were to receive. Well, later we had some further conversations and some others got in and at the last minute we included in the loop plan this particular project in the Wilmington area. You have to give a lot of credit to Luther and you'll never hear that about what he did in that particular instance, but he was one of the major reasons that late one night we decided to include Wilmington in the loop plan and I give him a lot of credit for that. I can't give him much credit for the story that I am going to tell now because it is kind of hard to believe, but maybe it could be so if you knew Luther. He said, 'I didn't choose to go into basketball, you know that don't you?' and I said, 'No, I really didn't.' He said, 'My cousin did. Michael, you know Michael.' I said, 'Well, I see him on TV and I'm a big fan of his.' He said, 'No, Michael went the basketball route and I went the political route. Now I have done better than Michael, now you wouldn't think so, but if you listen to me a little and hear what I'm telling you, we'll do pretty good.' His analogy of how he succeeded and how Michael succeeded and how we all should succeed together was pretty interesting. He also told me one day, and I won't forget this, he said 'You know you think I only study and concern myself with issues of color, black issues.' and I said, 'No, I don't have any reason to believe that.' and he said, 'You know, I could have been born white like you, but then what would I have been.' He had a great way of lighting up a room. He cared a great deal, more than a great deal for others. He had a super concern for people not just of his district, but people of the State of North Carolina and people in general. He was a very learned man. Luther came on a little bit sometimes, as if 'I'm a little slow.', but you sit back and watch him operate. He was as successful as any member that we have in this Senate today or any that I have ever worked with. He was a very truthful person in that he cared. He cared that you give respect to others, his truthfulness laid in the fact that he would tell you, very directly and very candidly, what should be done and what should be done should simply just be right and if you'll be right by all of us then we'll get along pretty good, won't we? Then there were times when you could find him to be a little selfish for the people of southeastern North Carolina, Senator Soles. He would tell me real quickly, 'You know Senator Rand is getting a little too much up there, don't you believe and shouldn't we be a little more sharing in our district?' Or he would do the same thing for Senator Lee in Chapel Hill. 'Lets never forget the Community College down in Cape Fear and we certainly can't forget UNC-Wilmington and, by the way, don't forget Central University and Shaw University, which is a private institution, but I got a degree from there, and so we've got to do what Senator Plyler says we need to do, but at the same time, don't forget all the people.' He was a man for all the people, he cared a great deal about each and every one of you in here and he was one of the better friends that I had in this Senate and I think that all of us feel the same way. He was a special man and to his family and to everyone ever associated with this great North Carolinian we thank you for sharing him with us and for the great deeds he did for this State. God's speed Luther."

Senator Ballance:

"Thank you Madame President. I hope I'm polite enough not to question what happens to people. It seems like 52 years is not enough for the personality that Luther Jordan

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brought to this world and that he brought to the Senate and that he brought to North Carolina. I knew Luther before he came to the Senate in 1992. I don't quite remember where I met him, but he was in politics. He was on the City Council. He was moving and shaking. The thing that I remember most about Luther Jordan, and I am glad that it is in the resolution, and that is his quick wit. He was a smart young man and he didn't mind sometimes letting you know about it. The second thing is what Senator Basnight has already talked about and that is his dedication to his people. He followed me and he had a lot of jokes to tell about some of the times he followed me, but as Chair of Justice and Public Safety he was a hard-working Chairman, he was a dedicated Chairman. Everybody knew he was the Chairman and he got things done as Chairman, but he and I enjoyed working together on that Committee. He loved Shaw University. He was responsible, Senator Lucas, as you remember for getting the famed trial attorney, Willie Gary, to come and speak to the Legislative Black Caucus Weekend last year because they served on the Board together at Shaw University. I have so many fond memories of Luther Jordan. One of the things, he was Majority Whip, but before him I served in that capacity and he always complained in a joking way about how he had already picked out the person to make his nomination and the person to second it. Then he got a phone call from me and, of course, he made the nomination for me to be Majority Whip. He sounded as if he was complaining but he really was not. He wanted me to have that position and he supported me in that position and, of course, I supported him. We were great friends. We shall always miss Luther, but we know that time, like an ever-flowing stream, bears all its sons away. Thank you very much."

Senator Lucas:

"Thank you very much. Members of the Senate, Luther Jordan was one of the most fun people I have ever known. Marc is right. When Frank would be sitting there and Larry here, and I'd be sitting here, he would walk into a room and say, 'Ya'll don't have to get up for me, royalty has entered the room, don't stand.' The other time I remember him, Marc, was when I first got here and he said, 'Jeannie, let me tell you one thing, don't you ever vote against the budget. They will throw you over that red carpet.' The other thing that I remember about him is, he grew up with my four nephews in Wilmington, Larry, Ellis, Vincent, and Charles. Their father was a preacher and whenever their mother wanted them, they could be five blocks from home, but all their mother had to say was their names and they would come running, but Luther said his momma would have to scream to the top of her lungs for him to get to the house. The other thing I remember about him was that he said, 'Jeanne, I never did want to be a mortician, but my momma said, 'Luther if you don't become a mortician you just won't be in our will. I will take you out of the will.' He said 'Momma, what time does the bus leave to go to Georgia?' Luther was our leader for the North Carolina Black Legislative Caucus. He was our energizer especially during the times when we had controversial issues. He was our friend and we will miss him and I urge your support for the resolution."

Senator Ballantine:

"Members of the Senate, being from Wilmington, Luther was my City Councilman, my friend, and my client. He said that he wanted at least one Republican lawyer so that everything he told me would be lawyer-client privilege. You may not know this, but Luther used to be a Republican. He actually showed me his voter registration card from days gone by when he was a Republican and he said, 'Yeah, the only reason I joined the Republican party was to see what ya'll were doing from the inside.' But he really was witty, what a humorous guy! He would talk about having to go to some economic development meetings and I would say, 'What do you mean?' and he would say, 'I got to go to six funerals. I am trying to improve my economy.' He would always say, you have

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heard him say on the Senate floor that he was going to be the last one to let you down. Luther was loved by all of Wilmington. I don't know if I have ever been to a larger funeral. It seemed like the entire town was there. Luther will be missed; he surely was loved. I hope he serves as an example as to how to endure the pain. What a fabulous ending Luther had with grace and dignity. Never did he complain, did he Frank, always positive and what a marvelous example that is to all of us. I urge your adoption."

Senator Lee:

"Madame President and Members of the Senate, I will make this very brief. Certainly one of the highlights of serving in this Body was the privilege of sitting next to Luther for the last term or so and hearing all the many stories and various aspects of his life and the journey that he traveled that brought him to this place. I joined with the others who recognize that he was a very learned man, a man with a great insight, but he was also a very smart man who had a strong compassion for doing what was right and cared deeply about people. I miss Luther because we would sit here and have conversations while many activities were going on and I found that I learned a great deal from him. One day I asked my grandfather why it appeared that some people were treated unfairly and his response to me was that there is nothing fair about life and that if you go around focusing on fairness you will miss the opportunities that are there for you to grasp. So when I on occasion ponder why some people die younger than others and I have been given the privilege to live longer, that question comes back into my mind, 'Why Luther?' Then I find not a complete answer but certainly one that makes me think that we should not measure people by how long they lived but by how well they lived and the legacies they created while they lived because I am convinced that our life after death is created before we die. So, as I think of my friend today, I paraphrase the words of the poem you have heard me repeat before and I think it is appropriate today. I say, 'Farewell my friend, farewell and hail, you're off to seek the Holy Grail and I do not understand why, but we'll remember now that you are gone 'twas aspiration that drove you on. Tiddlely-widdlely tootle-oo, someday each of us will follow you, but until then we join together and bid you goodbye.'"

Senator Gulley:

"I just wanted to say that I had the chance to come into the Senate with Luther Jordan. Senator Hoyle, I think it is just you and I that remain from that distinguished class that had Senator Marshall and Senator Winner with us, and he was special the whole time. His commitment, clear firm commitment to all the people of the State was wonderful to serve with. His wit has already been touched upon. Senator Clark before you there was Senator R L Clark from Buncombe County, and he was the first to realize that Senator R L Clark's machine was broken when Senator Clark voted yes one day before the rest of us had a chance to fully grasp that. He, I think, was a joyful warrior for the things that were important to him but a pleasure and joy to serve with the whole time and an inspiration particularly in his last couple of years I think, an inspiration in how to live. So, Senator Ballance, I think of the same hymn that you mentioned, 'Life is like an ever-rolling stream, soon bears us all away. We fate for God knows the mist dies at the break of day', which I think is always sort of a good context to think about here in the Senate where sometimes we feel a lot more immortal than that. But I think that Senator Jordan, his example and the joy of serving with him will obviously carry on far beyond that in our hearts and our lives, so thank you, Madame President, and I urge your support of the resolution."

Senator Webster:

"Senator Basnight, I am sure that when he made that phone call he was doing it for the best interest of the people and that is something that I saw in Luther. I saw a fairness in him. Sometimes in life you need to keep your mind open because you will find friends

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where you were told you would find no friends and that was the case with me. I found Luther to be very, very much the same person all the time. I'll remember him forever for some advice he gave me, some personal advice that was a big help to me and, Luther, I thank you."

Senator Rand:

"Thank you Madame President and Ladies and Gentlemen of the Senate. You know I have always wondered why Fayetteville didn't get a loop in that bill. I think now I know. Luther was a great friend and a wonderful fellow to be with. Of course, those of us in the Cape Fear region always saw one another on various occasions around and about, so I knew Luther a long time before he came to this Body. He was always one you knew to be humorous, he was always one to do his part, he was always there when you needed him, and he was always a forceful advocate and a compelling figure for things that he believed in and the people that he represented. He will certainly be remembered a long time in this Body for the spirit that he brought to it, the kind of things that he did that were so much a part of everything we did. So, as we think about his contribution and we think about the kind of things he did for North Carolina, it is really a wonderful part of all our memories. Those of us, as I say, who are fortunate enough to live in the Cape Fear basin will always be thankful for Luther, be thankful for the things he did for us and did for the people there. So, we will miss him and we say to his family that it is the way a man lives that lives so long after him and we were most fortunate to have a person like this to reflect on. Thank you, Madame President."

Senator Soles:

"Thank you Madame President and Ladies and Gentleman of the Senate. Luther Jordan finished high school the same year that I started serving in the North Carolina General Assembly. My district joined the county that he lived in but I didn't represent that county and I didn't know Luther at that time and I doubt seriously that he knew me. But over the years, in the 17 times I've run for the legislature, I have had some easy campaigns and some really bad campaigns and the first real bad one, probably the worst one I've had, was in 1977 and by that time Luther had come to the forefront over in New Hanover County and, although I wasn't running there, I needed some help. I picked up the phone and I called Luther. I said, 'Luther I am really in a bad jam and I want to know if you can call some of your friends over here and talk with them for me.' He said, 'Sure, I'll be glad to do that. They tell me over there and in Raleigh that you are one of the Soul brothers anyway.' That kind of took me back, but I learned that was probably the highest compliment he could give me. So, from that day on we kind of modified that a little bit and he called me his Soles Brother and I called him my Soul Brother, so we laughed about that. I have enjoyed sitting here over the years with Luther in the seat directly in front of me because I could look at Luther and he didn't have to say a word and I knew exactly what he was thinking. Just about every time that Senator Ballantine would stand up, I would see Luther roll his eyes at me and that was because he, Patrick, and I represented for the last several years the same New Hanover County down there, and many, many mornings, particularly when Luther got so that he was going home fairly regularly over the night and coming back, I'd come into the Chamber and there would be a newspaper here and he'd have something circled on it and it would be something controversial that they were having in New Hanover County. There'd be a note to it that would say, 'You and Patrick can handle this.' I enjoyed knowing him and I am better and this Body is better for having had Luther here. Thank you."

Senator Plyler:

"You know that when Luther first came here, I knew that he was going to be a

successful Senator. He was friendly, he was smart, and it has already been alluded to, he was very witty. You could go to Luther and get some good advice or you could get some that you would have to weigh out a little bit but normally he gave you an answer on it. You know, as Chairman of the Justice and Public Safety Committee he did an outstanding job there. You'd never have to worry him not being on time with his meetings, you didn't have to worry about his reports or anything. He always did an excellent job there and I really appreciated working with him in that capacity. Luther and I talked several times on different things where business was concerned and he could always give you some advice. One day I told Luther, I said, 'You are in the funeral home business' and he said, 'Yes, I am' and I said, 'You know at one time I bought an interest in Harris/Wells Funeral Home in Monroe, and that worried me very, very much for several years that I had investments in that funeral home because all my friends would come to me and ask me for discounts. You know, we've been friends for a long time and we need a discount because uncle so and so has died', and he said, 'Well, were you successful?' and I said, 'Well, fairly well, but I was glad to get out', and he said, 'I want to ask you one question, did you get your money before you had the funeral?' So he was always coming up with something good. I urge you to support the resolution because Luther Jordan was one fine gentleman. Thank you."

Senator Dannelly:

"Thank you Madame President, I was sitting and sort of reminiscing that I had a few years ago sort of the distinction of being the youngest steel cutter in the Wilmington shipyards and making more money than I had ever made in my life because that was a good paying job. I use to run around in Wilmington in the company of Luther Jordan, Sr. and another undertaker by the name of French Davis. Never saw Luther until I met him in 1977 in Atlanta, Georgia at the National League of Cities meeting because he was on the City Council in Wilmington and I was on the City Council in Charlotte. From that point on, Luther and I were not just good friends, great friends. I saw him several times every year after that because he became a frat brother of mine, Omega Psi Phi Fraternity, and we would meet at those functions. No one has really said it that Luther and I were somewhat alike in that I like to have a good time. Luther really enjoyed having a good time, but I learned something from him. He knew how to go in and out of a crowd or a function. You could ask, 'Didn't I see Luther come in here?' and someone would respond, 'Yeah, he is over there or at least he was.' He could get in and out of a function without you even knowing it. It was alluded to how smart Luther was and he was a smart fellow. He knew exactly how to spell my name, how to pronounce it, but in his funny way he always called me 'Dantley'; 'so how's everything today, Dantley?' I loved him, I loved his city and your's Patrick, Wilmington, and I get there every chance I can. When Luther was there and he found out that I was in town, I either had to have lunch or breakfast with him. I tried to get out of the breakfast because when I am on my free time, I like to sleep late. Not with Luther. He took me to breakfast and every place we would go, when he walked in a place they knew him. The last time I had breakfast with Luther, a young lady in the Waffle House, we ordered and she said, 'I know you' and he said, 'Oh you do?' and she said, 'You were on the City Council, weren't you?' and he said, 'Yes, I was.' She said, 'I will never forget you because you were the only person that helped me and my momma out when we had a problem. We called everybody and you delivered for us and I will never forget you.' That just warmed my heart because every place we would go in Wilmington everyone was always waving at Luther because he was such a people person. That young lady was a white young lady and she remembered Luther from when he was on City Council and that was very, very impressive. I used to get on Luther about his cell phone, 'Luther, please take a break from that thing. I mean cut it off or leave it in your car or something.' But you know, he was such a businessman he was afraid to do that. He was afraid he would miss a deal. I became a little incensed at his memorial. I remember

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sitting there and a couple of times a phone rang. Somebody had their cell phone there and I became incensed. After about a minute I chuckled to myself, well you know that's just like Luther. It is probably him calling just to see how things are going on. He really loved his cell phone, keeping in contact with people. I could go on for another hour about Luther, like many of you. I do miss my brother, my frat brother, my blood brother, my friend. I miss him and please vote for this resolution."

The joint resolution passes its second reading (49-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

The President extends the courtesies of the gallery to the family and friends of Senator Jordan.

S.B. 1135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO USE THE DESIGN-BUILD METHOD OF CONTRACTING FOR THE MULTILANING OF US HIGHWAY 601 FROM THE SOUTH CAROLINA STATE LINE TO US HIGHWAY 74 IN UNION COUNTY.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1238 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE.

Upon motion of Senator Dalton, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 10.

S.B. 1429 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO CONFORM WITH THE PROVISIONS OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 10.

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

Senator Webster offers Amendment No. 1.

Upon motion of Senator Hoyle, the bill is withdrawn from today's Calendar and is re-referred to **Finance Committee**, with Amendment No. 1 pending.

REPORT OF COMMITTEE

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:

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By Senator Soles for the **Commerce Committee**:

S.B. 1144, A BILL TO BE ENTITLED AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5825, is adopted and engrossed.

S.B. 1441, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA, INCLUDING THE NORTH CAROLINA ARBORETUM, FROM THE UMSTEAD 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 5826, is adopted and engrossed.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Brooke Bitler, Raleigh; Rebecca Dare Cox, Manteo; Ashley Aileene Creech, Lumberton; Carlie Davenport, Roper; Catherine H. Fox, Raleigh; Paul W. Fox, Jr., Raleigh; Blair Metcalfe Garrison, Fayetteville; Geddie M. Herring, Cary; Leah Horton, Mt. Olive; Laura Christian Jones, Plymouth; Stephanie Joyner, Goldsboro; Rosemary Fisher Mallory, Wilson; Michael Philip McGrew, Statesville; Mary McGuire, Eden; Thomas R. Medlin, Eden; William Carlton Parrish, Eden; Dhruvi Patel, Raleigh; Stacey Leigh Perrot, Manteo; Christina Jeannette Qubein, High Point; LeAnn Veronica Smith, Fayetteville; LeeAnn Spaulding, Garner; Morgan Faith Surlles, Angier; and Collin Mark Tiffany, Raleigh.

Upon motion of Senator Basnight, seconded by all members of the Senate, the Senate adjourns at 3:25 P.M. in memory of Clarence Lightner, former State Senator and Mayor of Raleigh, to meet tomorrow, Wednesday, July 10, at 12:15 P.M.

ONE HUNDRED NINETY-NINTH DAY

Senate Chamber
Wednesday, July 10, 2002

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:

"Faithful God, when is the last time we took the heat for doing what is right? As children we learned about three biblical characters Shadrach, Meshach, and Abednego, who were thrown in a fiery furnace for refusing to worship the golden statue. They would only worship you, O God.

"The fact that the fire didn't harm the three boys is amazing enough, but the king saw four people amidst the flames and haze of that furnace, not three. Shadrach, Meshach, and

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Adebego walked out of the furnace unharmed and you, O God, were vindicated. The presence of that mysterious fourth person in the furnace assures us that when we get in trouble for righteousness sake, you don't send someone else to help, you send yourself. Thanks be to God, Amen."

The Chair grants a leave of absence for today to Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, July 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.

The President of the Senate extends courtesies of the floor to Dr. Richard Berry from Whiteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Andrea Novack from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.J.R. 1470, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LUTHER HENRY JORDAN, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 3)

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**:

S.B. 1214, A BILL TO BE ENTITLED AN ACT TO EXCLUDE AIRPORTS FROM THE PUBLIC ENTERPRISE BILLING INFORMATION PRIVACY LAW, with a favorable report.

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF TAX LAWS BY CRIMINALIZING OR INCREASING THE PENALTY FOR CERTAIN FORMS OF TAX FRAUD AND BY ALLOWING THE DEPARTMENT OF REVENUE TO DISCLOSE CERTAIN INFORMATION TO LAW ENFORCEMENT AGENCIES, with a favorable report.

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

S.B. 1394, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF CHARLOTTE MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY, with a favorable report.

S.B. 1224, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO ALLOW THE OFFICE OF ADMINISTRATIVE HEARINGS TO USE THE INTERNET FOR AGENCY PUBLICATIONS AND TO CONFORM THE ADMINISTRATIVE PROCEDURE ACT

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TO PROVISIONS OF CHAPTER 12 OF THE GENERAL STATUTES RELATING TO RULES WHICH ESTABLISH OR INCREASE FEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8767, is adopted and engrossed.

S.B. 1262, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ENTER INTO MUTUAL AID AGREEMENTS WITH LAW ENFORCEMENT AGENCIES ON BEHALF OF ITS SPECIAL PEACE OFFICERS WHO HAVE BEEN DESIGNATED FOR THE PURPOSE OF ENFORCING THE LAW GOVERNING THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4724, is adopted and engrossed.

H.B. 1616, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE AROUND EAGLE POINT NATURE PRESERVE ON HIGH ROCK RESERVOIR IN ROWAN COUNTY, 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 4255, is adopted and engrossed.

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

S.B. 1162, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4723, is adopted and engrossed.

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

INTRODUCTION OF A JOINT RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rucho, Odom, Clodfelter and Dannelly:

S.J.R. 1472, A JOINT RESOLUTION RECOGNIZING PARAMOUNT'S CAROWINDS THEME PARK FOR ITS NUMEROUS ACCOMPLISHMENTS IN ITS THIRTY-YEAR HISTORY.

Referred to **Rules and Operations of the Senate Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 1604, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF

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BETHEL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES BEYOND ITS LIMITS SUBJECT TO THE APPROVAL OF THE PITT COUNTY BOARD OF COMMISSIONERS.

Referred to **Finance Committee**.

H.J.R. 1675, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUGH STEWART JOHNSON, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 1689, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE PEARLAND FIRE DISTRICT IN CALDWELL COUNTY TO THE SAWMILLS RURAL FIRE DISTRICT.

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

CALENDAR

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

H.B. 1545, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF ELK KNOB STATE NATURAL AREA AND BEECH CREEK BOG STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

S.B. 1144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES.

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 tomorrow, Thursday, July 11.

WITHDRAWAL FROM COMMITTEE

S.B. 1226, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF ELK KNOB STATE NATURAL AREA AND BEECH CREEK BOG STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, referred to the **Agriculture/Environment/Natural Resources Committee** on June 6.

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 **Appropriations/Base Budget 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 **Appropriations/Base Budget Committee**.

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CALENDAR *(continued)*

H.B. 622 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY DECLARE THAT THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS NOT AN UNREASONABLY DANGEROUS ACTIVITY AND DOES NOT CONSTITUTE A NUISANCE PER SE; TO PROVIDE THAT THE AUTHORITY TO BRING SUIT AGAINST ANY FIREARM OR AMMUNITION MARKETER, MANUFACTURER, DISTRIBUTOR, DEALER, SELLER, OR TRADE ASSOCIATION BY OR ON BEHALF OF ANY GOVERNMENTAL UNIT FOR REMEDIES RESULTING FROM OR RELATED TO THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS RESERVED EXCLUSIVELY TO THE STATE; AND TO PROVIDE THAT ANY SUCH ACTION SHALL BE BROUGHT BY THE ATTORNEY GENERAL ON BEHALF OF THE STATE.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 16.

S.B. 1160 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES AND TO PROVIDE A ONE-TIME EXTENSION TO THE TIME PERIOD IN WHICH A TAXPAYER MAY SIGN A LETTER OF COMMITMENT WITH THE DEPARTMENT OF COMMERCE TO QUALIFY FOR A LOWER TIER DESIGNATION, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—49.

Voting in the negative: None.

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

S.B. 1154, A BILL TO BE ENTITLED AN ACT TO EXPAND THE LIST OF SECTIONS OF THE NORTH CAROLINA CONDOMINIUM ACT THAT APPLY TO CONDOMINIUMS CREATED ON OR BEFORE OCTOBER 1, 1986, AND TO CODIFY AN APPLICABILITY PROVISION RELATING TO THE NORTH CAROLINA PLANNED COMMUNITY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1231, A BILL TO BE ENTITLED AN ACT TO AMEND G.S. 116-19 BY DEFINING THE TERMS "NEEDY NORTH CAROLINA STUDENTS" AND "INSTITUTIONAL METHODOLOGY".

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1251 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MERGE

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THE DIVISION OF RADIATION PROTECTION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES INTO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO CREATE THE RADIATION PROTECTION SECTION OF THE DIVISION OF ENVIRONMENTAL HEALTH, AND TO MAKE CONFORMING STATUTORY CHANGES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1429 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO CONFORM WITH THE PROVISIONS OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1441 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA, INCLUDING THE NORTH CAROLINA ARBORETUM, FROM THE UMSTEAD ACT.

The Committee Substitute bill passes its second (46-3) and third readings and is ordered sent to the House of Representatives.

H.B. 1488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES.

The Committee Substitute bill passes its second (46-3) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1504, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE ATTESTATION REQUIREMENT THAT CONVEYANCES BY BANKS MUST BE EXECUTED BY THE SECRETARY OR THE CASHIER AND TO VALIDATE CONVEYANCES BY BANKS THAT OTHERWISE COMPLY WITH THE STATUTE ON EXECUTION OF CORPORATE CONVEYANCES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1505, A BILL TO BE ENTITLED AN ACT TO AMEND THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO BYLAWS TO CONFORM TO THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO ARTICLES OF INCORPORATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1513, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE RECENT ESTABLISHMENT OF A ROLLING UPSET BID PROCEDURE FOR JUDICIAL AND EXECUTION SALES DID NOT AFFECT THE REQUIREMENT

THAT SALES BE CONFIRMED BY THE APPROPRIATE JUDICIAL OFFICIAL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1539, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE PROHIBITION ON THE ESTABLISHMENT OF AUTOMATED TELLER MACHINES OR OTHER INFORMATION-PROCESSING DEVICES OR MACHINES BY OUT-OF-STATE FINANCIAL INSTITUTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1544 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second reading (49-0).

Senator Odom objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Thursday, July 11.

S.B. 1238 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE.

The Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

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. 1509, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, 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 7390, which changes the title to read **H.B. 1509** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, AND TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT IN TRUST FOR AN INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, is adopted and engrossed.

Upon motion of Senator Kerr, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 16, upon second reading.

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H.B. 1533, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BERTIE, DURHAM, HERTFORD, AND NORTHAMPTON COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, 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 8352, which changes the title to read **H.B. 1533** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY AND TO MODIFY THE TIMETABLE FOR STOKES COUNTY OR ANY OF ITS MUNICIPALITIES TO ADOPT A SCHEDULE OF DISCOUNTS FOR PREPAYMENT OF PROPERTY TAXES, is adopted and engrossed.

Upon motion of Senator Kerr, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 16.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 1493, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN GRANVILLE COUNTY, with a favorable report.

H.B. 1597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL TERM LIMITS FOR MEMBERS OF THE HAYWOOD COUNTY BOARD OF EDUCATION, EDENTON-CHOWAN COUNTY BOARD OF EDUCATION, AND IREDELL-STATESVILLE BOARD OF EDUCATION, with a favorable report.

S.B. 1371, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS, with a favorable report.

S.B. 1271, A BILL TO BE ENTITLED AN ACT TO REGULATE THE USE OF CENTER-FIRE WEAPONS IN SCOTLAND COUNTY, with a favorable report, as amended.

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

H.B. 1614, A BILL TO BE ENTITLED AN ACT TO CLARIFY RESIDENCE REQUIREMENTS FOR THE CITY OF LINCOLN SEAT ON THE LINCOLN COUNTY BOARD OF EDUCATION, 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 7386, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1472, A JOINT RESOLUTION RECOGNIZING PARAMOUNT'S CAROWINDS THEME PARK FOR ITS NUMEROUS ACCOMPLISHMENTS IN ITS THIRTY-YEAR HISTORY, referred to the **Rules and Operations of the Senate Committee** earlier today.

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, July 17, which motion prevails with unanimous consent.

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The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, July 17.

S.J.R. 1469, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON, A STRONG DEFENDER OF RELIGIOUS FREEDOM, ON THE 225TH ANNIVERSARY OF HIS BIRTH, referred to the **Rules and Operations of the Senate Committee** on July 1.

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 Monday, July 15, 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 Monday, July 15.

Upon motion of Senator Basnight, seconded by Senator Shaw of Cumberland, the Senate adjourns at 1:06 P.M. to meet tomorrow, Thursday, July 11, at 10:15 A.M.

TWO HUNDREDTH DAY

Senate Chamber
Thursday, July 11, 2002

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, we are glad that the Senators are able to work unperturbed while the rest of us sit around in anticipation of headline-grabbing legislation that is on the calendar and off in the same day.

"Help the Senators keep such a perspective in their duties and responsibilities so that big issues don't overshadow lesser but just as important ones. In all things great and small reveal to us your wisdom and your love. Amen."

The Chair grants leaves of absence for today to Senator Basnight, Senator Dannelly, Senator Rand and Senator Warren.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, July 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 Dr. Dawn Brezina from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Sharon Pearce from Lexington, 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:

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H.B. 893, AN ACT REQUIRING THE WILDLIFE RESOURCES COMMISSION TO REPORT ON ITS EFFORTS TO ENSURE COMPLIANCE WITH LOCAL HUNTING LAWS BY DEER HUNTERS USING DOGS IN MOORE COUNTY.

H.B. 1488, AN ACT TO EXTEND THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES.

H.B. 1504, AN ACT TO REPEAL AN OBSOLETE ATTESTATION REQUIREMENT THAT CONVEYANCES BY BANKS MUST BE EXECUTED BY THE SECRETARY OR THE CASHIER AND TO VALIDATE CONVEYANCES BY BANKS THAT OTHERWISE COMPLY WITH THE STATUTE ON EXECUTION OF CORPORATE CONVEYANCES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 1505, AN ACT TO AMEND THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO BYLAWS TO CONFORM TO THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO ARTICLES OF INCORPORATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 1513, AN ACT TO CLARIFY THAT THE RECENT ESTABLISHMENT OF A ROLLING UPSET BID PROCEDURE FOR JUDICIAL AND EXECUTION SALES DID NOT AFFECT THE REQUIREMENT THAT SALES BE CONFIRMED BY THE APPROPRIATE JUDICIAL OFFICIAL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 1539, AN ACT TO REPEAL AN OBSOLETE PROHIBITION ON THE ESTABLISHMENT OF AUTOMATED TELLER MACHINES OR OTHER INFORMATION-PROCESSING DEVICES OR MACHINES BY OUT-OF-STATE FINANCIAL INSTITUTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

ENROLLED BILL

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1229, A JOINT RESOLUTION HONORING JEREMIAH MORRIS, FOUNDER OF THE TOWN OF MORRISVILLE, ON THE TOWN'S 150TH ANNIVERSARY. (Res. 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 Clodfelter for the **Judiciary I Committee**:

S.B. 1392, A BILL TO BE ENTITLED AN ACT TO REDUCE THE REQUIRED STORAGE PERIOD FOR UNCLAIMED PROPERTY HELD BY LAW ENFORCEMENT IN MECKLENBURG COUNTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill 8770, is adopted and engrossed.

S.B. 1455, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5827, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1538, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO DISTRIBUTION TO KNOWN BUT UNLOCATED DEVISEES OR HEIRS TO CONFORM TO THE NORTH CAROLINA UNCLAIMED PROPERTY ACT, 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 8353, is adopted and engrossed.

H.B. 1503 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO SPECIAL MEETINGS OF SHAREHOLDERS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, TO AMEND THE LAW RELATING TO DISSENTERS' RIGHTS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, TO CLARIFY THAT A GENERAL PARTNER MUST EXECUTE DOCUMENTS FOR FILING BY THE SECRETARY OF STATE, AND TO CLARIFY THE LAW RELATING TO REGISTRATION OF GENERAL PARTNERSHIPS, 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 4257, is adopted and engrossed.

CALENDAR

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

S.B. 1271, A BILL TO BE ENTITLED AN ACT TO REGULATE THE USE OF CENTER-FIRE WEAPONS IN SCOTLAND COUNTY.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1371, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1394, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF CHARLOTTE MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

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H.B. 1493, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN GRANVILLE COUNTY.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL TERM LIMITS FOR MEMBERS OF THE HAYWOOD COUNTY BOARD OF EDUCATION, EDENTON-CHOWAN COUNTY BOARD OF EDUCATION, AND IREDELL-STATESVILLE BOARD OF EDUCATION.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1614 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESIDENCE REQUIREMENTS FOR THE CITY OF LINCOLNTON SEAT ON THE LINCOLN COUNTY BOARD OF EDUCATION.

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

H.B. 1616 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE AROUND EAGLE POINT NATURE PRESERVE ON HIGH ROCK RESERVOIR IN ROWAN COUNTY.

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

S.B. 1144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES.

The Committee Substitute bill passes its second reading (45-0).

Senator Hoyle objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, July 15.

S.B. 1214, A BILL TO BE ENTITLED AN ACT TO EXCLUDE AIRPORTS FROM THE PUBLIC ENTERPRISE BILLING INFORMATION PRIVACY LAW.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 16.

S.B. 1224 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO ALLOW THE OFFICE OF ADMINISTRATIVE HEARINGS TO USE THE INTERNET FOR AGENCY PUBLICATIONS AND TO CONFORM THE ADMINISTRATIVE PROCEDURE ACT TO PROVISIONS OF CHAPTER 12 OF THE GENERAL STATUTES RELATING TO RULES WHICH ESTABLISH OR INCREASE FEES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1262 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ENTER INTO MUTUAL AID AGREEMENTS WITH LAW ENFORCEMENT AGENCIES ON BEHALF OF ITS SPECIAL PEACE OFFICERS WHO HAVE BEEN DESIGNATED FOR THE PURPOSE OF ENFORCING THE LAW

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GOVERNING THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1544 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Upon motion of Senator Odom, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 16.

REPORT OF COMMITTEE

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 Robinson for the **State and Local Government Committee**:

H.B. 1219 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICABILITY OF THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT TO HOUSING AUTHORITIES UNDER CHAPTER 157 OF THE GENERAL STATUTES, 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 4256, which changes the title to read **H.B. 1219** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH AS IT RELATES TO THE REGULATION AND PROHIBITION OF TREE REMOVAL AND REPLACEMENT, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

H.B. 1581 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING ELECTRONIC SIGNATURES AND PLATS FILED WITH THE CABARRUS AND MECKLENBURG COUNTY REGISTERS OF DEEDS, referred to the **Judiciary I Committee** on July 1.

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 **Judiciary II 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 **Judiciary II Committee**.

Upon motion of Senator Ballance, seconded by Senator Miller, the Senate adjourns at 10:38 A.M. to meet Monday, July 15, at 7:15 P.M.

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TWO HUNDRED FIRST DAY

Senate Chamber
Monday, July 15, 2002

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, there is not a day that goes by here in the Senate that we don't have to deal with some kind of struggle and conflict. Where is the peace that you promise?"

"We remember that in Scripture one of the titles by which Jesus is known is Prince of Peace. He used the word himself in what seems at first glance to be two radically contradictory ways. On one occasion he said to his followers, 'I have not come to bring peace, but a sword.' (Matthew 10:34). And later on at their last supper together, he said, 'Peace I leave with you; my peace I give to you' (John 14:27).

"I think the contradiction is resolved when we realize that for Jesus peace seems to have meant not the absence of struggle but the presence of God's love to sustain us when we go through it.

"Give us all that kind of peace this week, we pray. Amen"

*From Frederick Buechner, Wishful Thinking

The Chair grants leaves of absence for tonight to Senator Hoyle, Senator Martin of Pitt and Senator Moore.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, July 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.

The President of the Senate extends courtesies of the floor to Dr. Richard Burch from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Dennis Sherrod from Sims, North Carolina, who is serving the Senate as Nurse of the Day.

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. 1493, AN ACT TO ABOLISH THE OFFICE OF CORONER IN GRANVILLE COUNTY.

H.B. 1597, AN ACT TO REPEAL TERM LIMITS FOR MEMBERS OF THE HAYWOOD COUNTY BOARD OF EDUCATION, EDENTON-CHOWAN COUNTY BOARD OF EDUCATION, AND IREDELL-STATESVILLE BOARD OF EDUCATION.

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:

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S.B. 641, AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT RULES TO EXPAND THE DEFINITION OF UNIVERSAL SERVICE TO INCLUDE STATEWIDE INTERNET ACCESS AND OTHER TECHNOLOGICAL TELECOMMUNICATIONS ADVANCES. (Became law upon approval of the Governor, July 11, 2002--S.L. 2002-14.)

H.B. 1557, AN ACT TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH CULTIVATION LEASES IN CORE SOUND AND TO DIRECT THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO STUDY VARIOUS MARINE FISHERIES ISSUES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE. (Became law upon approval of the Governor, July 11, 2002--S.L. 2002-15.)

H.B. 1521, AN ACT TO CONFORM SOURCING OF MOBILE TELECOMMUNICATIONS SERVICES TO THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT AND TO CODIFY THE SOURCING PRINCIPLES FOR OTHER TELECOMMUNICATIONS SERVICES. (Became law upon approval of the Governor, July 11, 2002--S.L. 2002-16.)

CALENDAR

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

S.B. 1144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES.

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, July 16.

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 1123, A BILL TO BE ENTITLED AN ACT MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS, ordered held in the Office of the Principal Clerk on May 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 **Judiciary I Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 1455 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD, referred to the **Appropriations/Base Budget** committee on July 11.

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**.

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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:

H.B. 1525 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF RED CROSS.

Referred to **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1534, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS.

Referred to **Judiciary I Committee**.

H.B. 1552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DELAY THE EFFECTIVE DATE OF THE LOCKSMITH LICENSING ACT AND TO ALLOW THE LOCKSMITH LICENSING BOARD TO ADOPT TEMPORARY RULES.

Referred to **Commerce Committee**.

H.B. 1607, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LINCOLNTON FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 1615, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CHINA GROVE.

Referred to **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1629, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF THOMASVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

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

H.B. 1637 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE MEDICAL CENTER TO USE ATTACHMENT AND GARNISHMENT PROCEDURES FOR COLLECTING UNPAID BILLS.

Referred to **Finance Committee**.

H.B. 1648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COLLEGE OF THE ALBEMARLE TO ENTER INTO A LEASE AGREEMENT WITH THE YMCA.

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

H.B. 1653, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO REPEAL CERTAIN OPTIONAL RIGHTS OF THE CITY MANAGER, TO AUTHORIZE THE CITY MANAGER TO ACCEPT PROPERTY OFFERED FOR PUBLIC DEDICATION, TO REPEAL THE SECTION

THAT PROHIBITS THE CITY MANAGER FROM AWARDING CONTRACTS THAT EXCEED FIFTY THOUSAND DOLLARS, AND TO MOVE A CERTAIN SECTION FROM CHAPTER FOUR TO CHAPTER EIGHT FOR ORGANIZATIONAL PURPOSES.

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

H.B. 1654, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

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

H.B. 1684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE.

Referred to **Finance Committee**.

H.B. 1686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE VILLAGE OF WHISPERING PINES TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE VILLAGE AND TO AUTHORIZE THE MOORE COUNTY BOARD OF COMMISSIONERS TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY.

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

H.B. 1690 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CANDOR, AND OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD.

Referred to **Finance Committee**.

S.B. 861 (House 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 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, 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, July 16.

CALENDAR *(continued)*

S.J.R. 1469, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON, A STRONG DEFENDER OF RELIGIOUS FREEDOM, ON THE 225TH ANNIVERSARY OF HIS BIRTH.

Senator Carpenter offers a motion that the joint resolution be taken up out of its regular order of business and placed before the Senate for immediate consideration, which motion prevails.

Upon motion of Senator Carpenter, the joint resolution is read in its entirety.

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

Upon motion of Senator Gulley, the joint resolution, as amended, is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 16.

Upon motion of Senator Carpenter, the Chair extends the courtesies of the gallery to Bishop Joseph Gossman, Bishop of Raleigh; Monsignor Michael Shagrue, Diocese of Raleigh; Abbot of Placid Solari, Abbot of Belmont; Father Arthur Pendleton, Belmont Abbey.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable Joe Raynor, former Senator from Cumberland County.

CALENDAR (continued)

S.B. 1392 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE REQUIRED STORAGE PERIOD FOR UNCLAIMED PROPERTY HELD BY LAW ENFORCEMENT IN MECKLENBURG COUNTY.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1219 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH AS IT RELATES TO THE REGULATION AND PROHIBITION OF TREE REMOVAL AND REPLACEMENT.

With unanimous consent, upon motion of Senator Reeves, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 16.

H.B. 1503 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO SPECIAL MEETINGS OF SHAREHOLDERS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, TO AMEND THE LAW RELATING TO DISSENTERS' RIGHTS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, TO CLARIFY THAT A GENERAL PARTNER MUST EXECUTE DOCUMENTS FOR FILING BY THE SECRETARY OF STATE, AND TO CLARIFY THE LAW RELATING TO REGISTRATION OF GENERAL PARTNERSHIPS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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. 1538 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO DISTRIBUTION TO KNOWN BUT UNLOCATED DEVISEES OR HEIRS TO CONFORM TO THE NORTH CAROLINA UNCLAIMED PROPERTY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Senate Committee Substitute bill passes its second reading (42-3).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Tuesday, July 16.

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WITHDRAWAL FROM COMMITTEE

S.B. 1336, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE, referred to the **Rules and Operations of the Senate Committee** on June 12.

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 **State and Local Government 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 **State and Local Government Committee**.

S.B. 1442, A BILL TO BE ENTITLED AN ACT TO AMEND THE REGISTRATION REQUIREMENTS AND FEES TO ENGAGE IN CERTAIN ACTIVITIES WITH CONTROLLED SUBSTANCES, referred to the **Judiciary II Committee** on June 18.

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

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

S.B. 1200, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE AGENCIES TO ENSURE THAT EVERY SCHOOL DEVELOP AND MAINTAIN AN INDIVIDUALIZED DIABETES CARE PLAN FOR A CHILD WITH DIABETES AT THE REQUEST OF THE CHILD'S PARENT OR GUARDIAN AND TO ASSIST THE CHILD WITH THE MANAGEMENT OF THE CHILD'S DIABETES IN ACCORDANCE WITH THE CHILD'S DIABETES CARE PLAN, TO PROVIDE IMMUNITY FROM LIABILITY, TO DIRECT THE STATE BOARD OF EDUCATION TO DISSEMINATE GUIDELINES, AND TO APPROPRIATE FUNDS, referred to **Children & Human Resources Committee** on June 5.

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

The Chair orders the bill withdrawn from the **Children & Human Resources Committee** and re-refers the measure to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 8:15 P.M. to meet tomorrow, Tuesday, July 16, at 2:00 P.M.

TWO HUNDRED SECOND DAY

Senate Chamber
Tuesday, July 16, 2002

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 work that is still before us today, let us act as if what we do is done

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to you, that what we do is done for you, and that what we do is done with you. If we accomplish these goals, at days end we will find contentment and, more importantly, your approval. In your Holy Name we pray, Amen."

The Chair grants a leave of absence for today to Senator Ballance.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 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 Dr. Ellis Tinsley, Jr. from Wilmington, North Carolina, who is serving the Senate as Doctor of the Day, and to Eva Sampson from Pembroke, North Carolina, who is serving the Senate as Nurse of the Day.

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. 1583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGAL EFFECT OF THE USE OF ELECTRONIC TECHNOLOGY IN CRIMINAL PROCESS AND PROCEDURE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION, with a favorable report.

By Senator Soles for the **Commerce Committee**:

S.B. 1274, A BILL TO BE ENTITLED AN ACT TO REGULATE PROFESSIONAL EMPLOYER ORGANIZATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4726, is adopted and engrossed.

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

By Senator Shaw of Cumberland for the **Transportation Committee**:

S.B. 1329, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PAY THE NONBETTERMENT RELOCATION COST FOR MOVING A COUNTY-OWNED GAS LINE LOCATED ON A DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY IF THE GAS LINE MUST BE MOVED DUE TO A DEPARTMENT OF TRANSPORTATION CONSTRUCTION PROJECT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7797, is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

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CALENDAR

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

H.B. 1544 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

With unanimous consent, upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 23.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 1288, AN ACT ALLOWING THE TOWN OF BETHEL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES BEYOND ITS LIMITS SUBJECT TO THE APPROVAL OF THE PITT COUNTY BOARD OF COMMISSIONERS.

H.B. 1517, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF LITTLETON.

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. 1493, AN ACT TO ABOLISH THE OFFICE OF CORONER IN GRANVILLE COUNTY. (Became law upon ratification, July 15, 2002–S.L. 2002-17.)

H.B. 1597, AN ACT TO REPEAL TERM LIMITS FOR MEMBERS OF THE HAYWOOD COUNTY BOARD OF EDUCATION, EDENTON-CHOWAN COUNTY BOARD OF EDUCATION, AND IREDELL-STATESVILLE BOARD OF EDUCATION. (Became law upon ratification, July 15, 2002–S.L. 2002-18.)

INTRODUCTION OF A BILL

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Berger and Carpenter:

S.J.R. 1473, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES EDWARD TAYLOR, THE WORLD'S FIRST AIRPLANE MECHANIC, AND URGING THE CITIZENS OF THIS STATE TO RECOGNIZE MAY 24 OF EACH YEAR AS NORTH CAROLINA AVIATION MAINTENANCE TECHNICIAN DAY IN HONOR OF CHARLES EDWARD TAYLOR AND ALL THE AVIATION MAINTENANCE TECHNICIANS WHO HAVE FOLLOWED IN HIS FOOTSTEPS.

Referred to **Rules and Operations of the Senate Committee**.

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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:

H.B. 1646, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF ROWLAND.

Referred to **Finance Committee**.

H.B. 1698, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF CULTURAL RESOURCES TO ERECT A SECOND HISTORICAL MARKER COMMEMORATING AN INDIVIDUAL.

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

CALENDAR (*continued*)

H.B. 1219 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ROCKINGHAM TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS IN THAT CITY.

With unanimous consent, upon motion of Senator Reeves, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 17.

S.J.R. 1469, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON, A STRONG DEFENDER OF RELIGIOUS FREEDOM, ON THE 225TH ANNIVERSARY OF HIS BIRTH.

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

H.B. 1533 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY AND TO MODIFY THE TIMETABLE FOR STOKES COUNTY OR ANY OF ITS MUNICIPALITIES TO ADOPT A SCHEDULE OF DISCOUNTS FOR PREPAYMENT OF PROPERTY TAXES.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1509 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, AND TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT IN TRUST FOR AN INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, upon second reading.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

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S.B. 1214, A BILL TO BE ENTITLED AN ACT TO EXCLUDE AIRPORTS FROM THE PUBLIC ENTERPRISE BILLING INFORMATION PRIVACY LAW.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 622 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY DECLARE THAT THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS NOT AN UNREASONABLY DANGEROUS ACTIVITY AND DOES NOT CONSTITUTE A NUISANCE PER SE; TO PROVIDE THAT THE AUTHORITY TO BRING SUIT AGAINST ANY FIREARM OR AMMUNITION MARKETER, MANUFACTURER, DISTRIBUTOR, DEALER, SELLER, OR TRADE ASSOCIATION BY OR ON BEHALF OF ANY GOVERNMENTAL UNIT FOR REMEDIES RESULTING FROM OR RELATED TO THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS RESERVED EXCLUSIVELY TO THE STATE; AND TO PROVIDE THAT ANY SUCH ACTION SHALL BE BROUGHT BY THE ATTORNEY GENERAL ON BEHALF OF THE STATE.

The Senate Committee Substitute bill passes its second (42-5) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 1144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES.

The Committee Substitute bill passes its third reading (48-1) and is ordered sent to the House of Representatives.

H.B. 1538 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO DISTRIBUTION TO KNOWN BUT UNLOCATED DEVISEES OR HEIRS TO CONFORM TO THE NORTH CAROLINA UNCLAIMED PROPERTY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Senate Committee Substitute bill passes its third reading (48-1) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1509 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, AND TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT IN TRUST FOR AN INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, temporarily displaced earlier, upon second reading.

Senator Horton offers a motion to divide the question on the Senate Committee Substitute bill by separating Section 5 from the remainder of the bill. The motion to divide the question fails (15-34).

Senator Horton offers Amendment No. 1.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 16, with Amendment No. 1 pending.

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S.B. 861 (House 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 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, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its second reading by roll-call vote, ayes (48), noes (1), as follows:

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

Voting in the negative: Senator Rucho—1

The House Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Wednesday, July 17, for concurrence upon third reading.

Upon motion of Senator Basnight, seconded by Senator Gulley, the Senate adjourns at 3:52 P.M. to meet tomorrow, Wednesday, July 17, at 2:15 P.M.

TWO HUNDRED THIRD DAY

Senate Chamber
Wednesday, July 17, 2002

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 June Manning, Pastor, Macedonia Presbyterian Church, Candor, North Carolina as follows:

"I thank you Senators Plyler and Purcell for the opportunity to serve today, and the peach farmers of Montgomery County for the pleasure of sharing their bounty with us today. I invite you now to look to our Lord and pray.

"Creator of all, the One and Holy God, we invoke your presence as this Senate session begins. Lead these Senators, gracious and merciful God, to love you above all others and to love their neighbors as their own kin.

"We give you thanksgiving, our God, for those who willingly and selflessly serve here.

"As stewards of North Carolina's finances and property, impart to them a renewed knowledge of your activity in their lives so that they might exercise corporate stewardship with all their heart, soul, and might. May they do their work in a spirit of wisdom, kindness, and justice. Help them use their authority to serve faithfully working diligently to promote the general welfare of all. We lift this prayer to our God, all praise be yours now and forever. Amen."

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The Chair grants a leave of absence for today to Senator Ballance.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, July 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.

The President of the Senate extends courtesies of the floor to Dr. Thomas Pulliam from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Susan Pierce from Chapel Hill, 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. 1288, AN ACT ALLOWING THE TOWN OF BETHEL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES BEYOND ITS LIMITS SUBJECT TO THE APPROVAL OF THE PITT COUNTY BOARD OF COMMISSIONERS. (Became law upon ratification, July 16, 2002–S.L. 2002-19.)

H.B. 1517, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF LITTLETON. (Became law upon ratification, July 16, 2002–S.L. 2002-20.)

CALENDAR

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

H.B. 1583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGAL EFFECT OF THE USE OF ELECTRONIC TECHNOLOGY IN CRIMINAL PROCESS AND PROCEDURE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.

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, July 18.

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

H.B. 1515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE MEMBERSHIP OF THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with a favorable report.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 1525 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO

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INCORPORATE THE TOWN OF RED CROSS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 1609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS BY THE CITY OF DURHAM, with a favorable report.

H.B. 1615, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CHINA GROVE, with a favorable report.

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

H.B. 1648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COLLEGE OF THE ALBEMARLE TO ENTER INTO A LEASE AGREEMENT WITH THE YMCA, with a favorable report.

H.B. 1653, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO REPEAL CERTAIN OPTIONAL RIGHTS OF THE CITY MANAGER, TO AUTHORIZE THE CITY MANAGER TO ACCEPT PROPERTY OFFERED FOR PUBLIC DEDICATION, TO REPEAL THE SECTION THAT PROHIBITS THE CITY MANAGER FROM AWARDED CONTRACTS THAT EXCEED FIFTY THOUSAND DOLLARS, AND TO MOVE A CERTAIN SECTION FROM CHAPTER FOUR TO CHAPTER EIGHT FOR ORGANIZATIONAL PURPOSES, with a favorable report.

H.B. 1654, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES, with a favorable report.

H.B. 1689, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE PEARLAND FIRE DISTRICT IN CALDWELL COUNTY TO THE SAWMILLS RURAL FIRE DISTRICT, with a favorable report.

H.B. 1714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CARTERET COUNTY BOARD OF EDUCATION TO LEASE PROPERTY TO THE BOYS AND GIRLS CLUB, with a favorable report.

S.B. 1163, A BILL TO BE ENTITLED AN ACT PROVIDING FOR VOLUNTARY FLEXIBLE WORK SCHEDULES FOR STATE EMPLOYEES, with a favorable report.

WITHDRAWAL FROM COMMITTEE

H.B. 76 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE INTERSTATE HIGHWAY 95 AS THE PURPLE HEART MEMORIAL HIGHWAY, referred to the **Transportation Committee** on July 18, 2001.

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

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

S.B. 1241, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH

July 17, 2002

SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on June 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 **State and Local Government 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 **State and Local Government Committee**.

Upon motion of Senator Basnight, the Chair extends the courtesies of the gallery to Members of the Montgomery County Chamber of Commerce: Judy Stevens, Director; Cindi Goodwin, President; John Coyle, Jordan Lumber Company; Lindsey Suggs, Superintendent of Montgomery County Schools; Judy Estridge, Vice President First Union Bank; Kaye Bryan, Public Relations Sprint; Tammy Dunn, Editor of Montgomery Herald; Gelynda Capel, Board Chairman of Montgomery Community College; Mechelle Smith, Clerk of Town of Candor; and Geu Vang, Hmong Association; Joe Calloway, Albemarle; and Jimmy Russell, Albemarle.

RECOGNITION OF HEIDI STEINBACH

With unanimous consent, upon motion of Senator Basnight, the privileges of the floor are extended to Heidi Steinbach, President of the State 4-H Club. Senator Basnight escorts Heidi Steinbach to the Well of the Senate. After brief remarks concerning the 100th Anniversary of North Carolina 4-H Clubs, she is escorted from the Well of the Senate.

Upon motion of Senator Berger, Senator Garrou, and Senator Horton, the Chair extends the courtesies of the gallery to Miss Lauren Gordon, Forsyth County delegate to the 100th Anniversary gathering of North Carolina 4-H Clubs.

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 Clodfelter for the **Judiciary I Committee**:

S.B. 1247, A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6881, is adopted and engrossed.

H.B. 1099, A BILL TO BE ENTITLED AN ACT TO ALLOW LETTERS OF CREDIT TO SUBSTITUTE FOR SURETY BONDS TO MEET CERTAIN STATUTORY 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 6456, which changes the title to read **H.B. 1099** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE WAIVER OF THE RIGHT OF EQUITY OF REDEMPTION BY FINANCIAL INSTITUTIONS IN CERTAIN SECURITIZED

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FINANCIAL ASSETS AND TO STUDY ITS APPLICABILITY TO OTHER BUSINESS ENTITIES, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 1162 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS, referred to the **Appropriations/Base Budget Committee** on July 10.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Thursday, July 18, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Thursday, July 18.

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**:

H.B. 1520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS AND TO AMEND THE DEFINITION OF QUALIFIED GRANTEE BUSINESS, with a favorable report.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, July 23.

H.B. 1747 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF CHIROPRACTIC EXAMINERS TO COLLECT A FEE FOR THE ANNUAL RECERTIFICATION OF CHIROPRACTIC DIAGNOSTIC IMAGING TECHNICIANS, with a favorable report.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, July 23.

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF TAX LAWS BY CRIMINALIZING OR INCREASING THE PENALTY FOR CERTAIN FORMS OF TAX FRAUD AND BY ALLOWING THE DEPARTMENT OF REVENUE TO DISCLOSE CERTAIN INFORMATION TO LAW ENFORCEMENT AGENCIES, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, July 23.

S.B. 1008, A BILL TO BE ENTITLED AN ACT TO BAN VIDEO GAMING MACHINES IN SMALLER COUNTIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4734, which changes the title to read **S.B. 1008** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES EXCEPT BY A FEDERALLY RECOGNIZED INDIAN TRIBE AS AUTHORIZED BY THE INDIAN GAMING REGULATORY ACT AND A VALID

July 17, 2002

TRIBAL-STATE COMPACT, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, July 23.

H.B. 1662 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS, 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 5416, which changes the title to read **H.B. 1662** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND TO ANNEX OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK, is adopted and engrossed.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 23.

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:

H.B. 1589, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF PRINCETON.

Referred to **Finance Committee**.

H.B. 1619, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS.

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

H.B. 1666, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 1678, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO CONFORM WITH THE PROVISIONS OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 1723 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH A TRUST FUND SPECIFICALLY AUTHORIZED BY STATUTE TO BE CREATED BY A CITY UPON CONDITION THAT THE TOWN APPROPRIATES ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OR PURPOSES FOR WHICH THE FUND WAS ESTABLISHED.

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

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CALENDAR *(continued)*

H.B. 1219 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH AS IT RELATES TO THE REGULATION AND PROHIBITION OF TREE REMOVAL AND REPLACEMENT.

Senator Reeves offers a motion that the Senate Committee Substitute bill be withdrawn from today's Calendar, and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from today's Calendar, and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 1509 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, AND TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT IN TRUST FOR AN INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, with Amendment No. 1 pending, upon second reading.

Senator Rand offers Amendment No. 2 as a substitute amendment for Amendment No. 1.

Amendment No. 2 is adopted (46-3), and changes the title to read **H.B. 1509** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, AND TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT IN TRUST FOR A PUBLIC OR PRIVATE UNIVERSITY LOCATED IN NORTH CAROLINA.

Senator Webster offers Amendment No. 3 which fails of adoption (16-33).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 43, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—43.

Voting in the negative: Senators Allran, Ballantine, Berger, Foxx, Rucho and Webster—6.

The Senate Committee Substitute bill, as amended, remains on the Calendar for Thursday, July 18, upon third reading.

S.J.R. 1472, A JOINT RESOLUTION RECOGNIZING PARAMOUNT'S CAROWINDS THEME PARK FOR ITS NUMEROUS ACCOMPLISHMENTS IN ITS THIRTY-YEAR HISTORY.

Upon motion of Senator Rucho, the joint resolution is read in its entirety.

The joint resolution passes its second reading (49-0) and third reading with members standing and is ordered sent to the House of Representatives.

Upon motion of Senator Clodfelter, Senator Dannelly, Senator Odom, and Senator Rucho, the Chair extends the courtesies of the gallery to Jodie Roberts Smith, Public Relations Manager of Carowinds, and Mohammad Jenatian, President of Hospitality and Tourism Alliance.

July 17, 2002

WITHDRAWAL FROM COMMITTEE

S.B. 1322, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LOGO ON THE ROCKY MOUNTAIN ELK FOUNDATION SPECIAL REGISTRATION PLATE, referred to the **Transportation Committee** on June 12.

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

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

CALENDAR (*continued*)

S.B. 861 (House 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 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, 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 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foyx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Kerr, Kinnaid, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—45.

Voting in the negative: Senator Rucho—1.

The measure is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Richard Crompton Berryman III, Raleigh; Eve Elmore Bland, Wilmington; Molly Rachel Brenner, Greensboro; Brian Thomas Briley, Whiteville; Marcus Robert Carpenter, Bessemer City; Jessica Chong, Goldsboro; Sarah Monique Covey, Buxton; Tallie Faircloth, Raleigh; Mehegan Griffin, Wilmington; Carrie Carter Hagan, Greensboro; Rebekah M. Hargrove, Black Mountain; Andrew Philip Hiatt, Concord; Whitney Alexis Marshall, Greensboro; Courtney Miller, Laurel Springs; Joseph Nelson Pack, Concord; James Martin Page, Wilmington; J. N. Shivar Person, Goldsboro; Caitlin Plage, Wilmington; Jody Dawn Porowski, Raleigh; Anna-Yates Russell, Albemarle; Erin Sanders, LaGrange; and Karen E. Wade, Raleigh.

Upon motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns at 3:27 P.M. to meet tomorrow, Thursday, July 18, at 10:15 A.M.

July 17, 2002

TWO HUNDRED FOURTH DAY

Senate Chamber
Thursday, July 18, 2002

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:

"Thank you, Dear Lord, for sustaining the Senate family with energy to be creative and visionary this week even during such difficult times.

"We gladly remember the Psalmist's words, 'Cast your burden upon God and God will sustain you'. (Psalm 55:22)

"The load will never break us down, O God, as long as we let you help carry it. Amen."

The Chair grants leaves of absence for today to Senator Gulley, Senator Hoyle and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, July 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 Dr. Walter Pofahl II from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Nanci Felliciano from Pembroke, North Carolina, who is serving the Senate as Nurse of the Day.

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**:

S.B. 1395, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY FOR PASSENGER RAIL SERVICES IN THE CITY OF CHARLOTTE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6882, which changes the title to read **S.B. 1395** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY FOR PASSENGER RAIL SERVICES IN MECKLENBURG COUNTY AND MUNICIPALITIES IN MECKLENBURG COUNTY, is adopted and engrossed.

ENROLLED BILLS

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

S.B. 861, AN ACT TO INCREASE THE NUMBER OF QUALIFIED DENTAL PRACTITIONERS IN THE STATE BY AUTHORIZING THE BOARD OF DENTAL

July 18, 2002

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 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.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 1614, AN ACT TO CLARIFY RESIDENCE REQUIREMENTS FOR THE CITY OF LINCOLN SEAT ON THE LINCOLN COUNTY BOARD OF EDUCATION.

H.B. 1616, AN ACT TO ESTABLISH A NO-WAKE ZONE AROUND EAGLE POINT NATURE PRESERVE ON HIGH ROCK RESERVOIR IN ROWAN COUNTY.

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. 1455 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD, 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, 1745, is adopted and engrossed.

Upon recommendation of Senator Kerr, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Robinson for the **State and Local Government Committee**:

S.B. 1367, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BERTIE AND GREENE COUNTIES MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7799, which changes the title to read **S.B. 1367** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BERTIE, COLUMBUS, AND GREENE COUNTIES MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES, is adopted and engrossed.

INTRODUCTION OF A RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Metcalf and Carter:

S.J.R. 1474, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF

July 18, 2002

BASCOM LAMAR LUNSFORD ON THE OCCASION OF THE SEVENTY-FIFTH ANNIVERSARY OF THE MOUNTAIN DANCE AND FOLK FESTIVAL.

Referred to **Rules and Operations of the Senate Committee.**

CALENDAR

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

H.B. 1609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS BY THE CITY OF DURHAM.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1653, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO REPEAL CERTAIN OPTIONAL RIGHTS OF THE CITY MANAGER, TO AUTHORIZE THE CITY MANAGER TO ACCEPT PROPERTY OFFERED FOR PUBLIC DEDICATION, TO REPEAL THE SECTION THAT PROHIBITS THE CITY MANAGER FROM AWARDED CONTRACTS THAT EXCEED FIFTY THOUSAND DOLLARS, AND TO MOVE A CERTAIN SECTION FROM CHAPTER FOUR TO CHAPTER EIGHT FOR ORGANIZATIONAL PURPOSES.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1654, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1689, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE PEARLAND FIRE DISTRICT IN CALDWELL COUNTY TO THE SAWMILLS RURAL FIRE DISTRICT.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CARTERET COUNTY BOARD OF EDUCATION TO LEASE PROPERTY TO THE BOYS AND GIRLS CLUB.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COLLEGE OF THE ALBEMARLE TO ENTER INTO A LEASE AGREEMENT WITH THE YMCA.

Senator Hagan offers Amendment No. 1 which is adopted (47-0), and changes the title to read **H.B. 1648** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COLLEGE OF THE ALBEMARLE AND GUILFORD TECHNICAL COMMUNITY COLLEGE TO ENTER INTO LEASE AGREEMENTS WITH THE YMCAS.

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

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WITHDRAWAL FROM COMMITTEE

S.J.R. 1474, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BASCOM LAMAR LUNSFORD ON THE OCCASION OF THE SEVENTY-FIFTH ANNIVERSARY OF THE MOUNTAIN DANCE AND FOLK FESTIVAL, referred to the **Rules and Operations of the Senate Committee** earlier today.

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 Tuesday, July 23, 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 Tuesday, July 23.

S.J.R. 1368, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MYRTLE ELEANOR "LULU BELLE" COOPER WISEMAN STAMEY, FORMER MEMBER OF THE GENERAL ASSEMBLY, AND CELEBRATING THE YEAR OF THE APPALACHIA referred to the **Rules and Operations of the Senate Committee** on June 12.

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 Tuesday, July 23, 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 Tuesday, July 23.

CALENDAR *(continued)*

H.B. 1583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGAL EFFECT OF THE USE OF ELECTRONIC TECHNOLOGY IN CRIMINAL PROCESS AND PROCEDURE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 23.

H.B. 1509 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, AND TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT IN TRUST FOR AN INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, as amended on second reading, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 41, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—41.

Voting in the negative: Senators Ballantine, Berger, Forrester, Foxx, Rucho and Webster—6.

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.

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S.B. 1162 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

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:

H.B. 1546 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES.

Referred to **Judiciary I Committee**.

CALENDAR *(continued)*

S.B. 1163, A BILL TO BE ENTITLED AN ACT PROVIDING FOR VOLUNTARY FLEXIBLE WORK SCHEDULES FOR STATE EMPLOYEES.

Upon motion of Senator Wellons, the President orders, without objection, the bill temporarily displaced.

S.B. 1247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES.

Upon motion of Senator Clodfelter, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 1099 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE WAIVER OF THE RIGHT OF EQUITY OF REDEMPTION BY FINANCIAL INSTITUTIONS IN CERTAIN SECURITIZED FINANCIAL ASSETS AND TO STUDY ITS APPLICABILITY TO OTHER BUSINESS ENTITIES.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE MEMBERSHIP OF THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 1163, A BILL TO BE ENTITLED AN ACT PROVIDING FOR VOLUNTARY FLEXIBLE WORK SCHEDULES FOR STATE EMPLOYEES, temporarily displaced earlier today.

Upon motion of Senator Wellons, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 23.

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WITHDRAWAL FROM COMMITTEE

H.B. 1546 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES, referred to the **Judiciary I Committee** earlier today.

Pursuant to Rule 47(a), Senator Clodfelter offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and places it before the Senate for immediate consideration.

Senator Allran offers Amendment No. 1 which is adopted (47-0).

Senator Kerr offers Amendment No. 2 which fails of adoption (16-31).

The Committee Substitute bill, as amended, passes its second reading (42-4).

Senator Wellons objects to third reading of the measure. Pursuant to Rule 50, the President orders the Committee Substitute bill, as amended, placed on the Calendar for Monday, July 22, upon third reading.

The President extends the courtesies of the gallery to former North Carolina and United States Senator Robert Morgan.

CALENDAR (continued)

S.B. 1247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES, temporarily displaced earlier today.

Senator Clodfelter offers a motion that the Committee Substitute bill be withdrawn from today's Calendar and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from today's Calendar and re-refers the measure to the **Judiciary I Committee**.

Upon motion of Senator Basnight, seconded by Senator Rucho, the Senate adjourns at 11:53 A.M. to meet tomorrow, Monday, July 22, at 7:15 P.M.

TWO HUNDRED FIFTH DAY

Senate Chamber
Monday, July 22, 2002

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:

"All Knowing God, in all that we do this week, help us to seek the truth, however uncomfortable it makes us.

"May the faith we have in you be lived out with integrity, compassion, and sincerity in words and deeds. Amen."

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The Chair grants leaves of absence for tonight to Senator Ballance, Senator Dalton, Senator Garwood, Senator Lee, Senator Martin of Pitt, Senator Metcalf, Senator Moore, Senator Soles and Senator Webster.

Senator Rand announces that the Journal of Thursday, July 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.

The President of the Senate extends courtesies of the floor to Dr. Steven Landau from Kenly, North Carolina, who is serving the Senate as Doctor of the Day, and to Gwen Waddell-Schultz from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

H.B. 1219 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH AS IT RELATES TO THE REGULATION AND PROHIBITION OF TREE REMOVAL AND REPLACEMENT, referred to the **Rules and Operations of the Senate Committee** on July 17.

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

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

The President *Pro Tempore* instructs the Reading Clerk to read the following Proclamation issued by Governor Michael F. Easley on July 22, 2002:

PROCLAMATION

WHEREAS, the Lao-Hmong, which means "free people," are Laotian members of the Hmong tribe and are noted for their warrior tradition, loyalty and bravery; and

WHEREAS, beginning in 1960, the United States recruited thousands of the Lao-Hmong to fight against the Communist Pathet Lao and North Vietnamese Army regulars in Laos; and

WHEREAS, the United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975, conducting tactical guerrilla actions, flying thousands of deadly combat missions in support of the Armed Forces and the Central Intelligence Agency, and fighting in conventional and guerrilla combat clashes with extreme casualties; and

WHEREAS, the Lao-Hmong, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail; and

WHEREAS, the Lao-Hmong protected United States personnel, guarded United States Air Force radar installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots; and

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WHEREAS, more than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, thousands suffered grievous injuries and permanent disabilities, and thousands more were captured and sent to Communist concentration camps; and

WHEREAS, after the conclusion of the war, many Lao-Hmong soldiers were the victims of acts of retribution and atrocities by the Pathet Lao, causing many of the Lao-Hmong to flee to neighboring Thailand and become refugees;

NOW, THEREFORE, I, MICHAEL F. EASLEY, Governor of the State of North Carolina, do hereby proclaim July 22, 2002, as "**LAO-HMONG RECOGNITION DAY**" in North Carolina, to recognize the bravery, sacrifice and loyalty to the United States exhibited by the Lao-Hmong in Southeast Asia.

Done in Raleigh, North Carolina, this the 22nd day of July, 2002.

S/Michael F. Easley
Governor

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Carolina at the Capitol in Raleigh this twenty-fifth day of April in the year of our Lord two thousand and two, and of the Independence of the United States of America the two hundred and twenty-sixth.

LAO-HMONG RECOGNITION

With unanimous consent, upon motion of Senator Basnight, the privileges of the floor are extended to Secretary of Cultural Resources, Libba Evans, and Lao-Hmong dancers from Montgomery County. Senator Plyler, Senator Purcell, and Senator Forrester are appointed to escort the guests to the Well of the Senate. Secretary Evans introduces the dancers who perform Laotian dances for the members.

The Committee is recognized to escort the guests from the Chamber.

ENROLLED BILLS

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

H.B. 1515, AN ACT PERTAINING TO THE MEMBERSHIP OF THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 1609, AN ACT RELATING TO INVESTMENTS BY THE CITY OF DURHAM.

H.B. 1653, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO REPEAL CERTAIN OPTIONAL RIGHTS OF THE CITY MANAGER, TO AUTHORIZE THE CITY MANAGER TO ACCEPT PROPERTY OFFERED FOR PUBLIC DEDICATION, TO REPEAL THE SECTION THAT

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PROHIBITS THE CITY MANAGER FROM AWARDING CONTRACTS THAT EXCEED FIFTY THOUSAND DOLLARS, AND TO MOVE A CERTAIN SECTION FROM CHAPTER FOUR TO CHAPTER EIGHT FOR ORGANIZATIONAL PURPOSES.

H.B. 1654, AN ACT TO PERMIT THE CITY OF CHARLOTTE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

H.B. 1689, AN ACT TO CHANGE THE NAME OF THE PEARLAND FIRE DISTRICT IN CALDWELL COUNTY TO THE SAWMILLS RURAL FIRE DISTRICT.

H.B. 1714, AN ACT TO PERMIT THE CARTERET COUNTY BOARD OF EDUCATION TO LEASE PROPERTY TO THE BOYS AND GIRLS CLUB.

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. 1614, AN ACT TO CLARIFY RESIDENCE REQUIREMENTS FOR THE CITY OF LINCOLNTON SEAT ON THE LINCOLN COUNTY BOARD OF EDUCATION. (Became law upon ratification, July 18, 2002–S.L.-2002-22.)

H.B. 1616, AN ACT TO ESTABLISH A NO-WAKE ZONE AROUND EAGLE POINT NATURE PRESERVE ON HIGH ROCK RESERVOIR IN ROWAN COUNTY. (Became law upon ratification, July 18, 2002–S.L.-2002-23.)

H.B. 1584, AN ACT TO MAKE THE STATE DEADLINE FOR APPROVAL OF HAZARD MITIGATION PLANS CONSISTENT WITH THE FEDERAL DEADLINE FOR APPROVAL OF THESE PLANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO EXTEND THE DATE BY WHICH CERTAIN SMALL MUNICIPAL WASTE COMBUSTION UNITS MUST ACHIEVE COMPLIANCE WITH CERTAIN REQUIREMENTS RELATED TO THE EMISSION OF AIR POLLUTANTS. (Became law upon approval of the Governor, July 18, 2002–S.L.-2002-24.)

H.B. 1488, AN ACT TO EXTEND THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES. (Became law upon approval of the Governor, July 22, 2002–S.L.-2002-25.)

H.B. 1504, AN ACT TO REPEAL AN OBSOLETE ATTESTATION REQUIREMENT THAT CONVEYANCES BY BANKS MUST BE EXECUTED BY THE SECRETARY OR THE CASHIER AND TO VALIDATE CONVEYANCES BY BANKS THAT OTHERWISE COMPLY WITH THE STATUTE ON EXECUTION OF CORPORATE CONVEYANCES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 22, 2002–S.L.-2002-26.)

H.B. 1505, AN ACT TO AMEND THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO BYLAWS TO CONFORM TO THE VOTING REQUIREMENT FOR MEMBER APPROVAL OF AMENDMENTS TO ARTICLES

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OF INCORPORATION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 22, 2002–S.L.-2002-27.)

H.B. 1513, AN ACT TO CLARIFY THAT THE RECENT ESTABLISHMENT OF A ROLLING UPSET BID PROCEDURE FOR JUDICIAL AND EXECUTION SALES DID NOT AFFECT THE REQUIREMENT THAT SALES BE CONFIRMED BY THE APPROPRIATE JUDICIAL OFFICIAL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 22, 2002–S.L.-2002-28.)

H.B. 1539, AN ACT TO REPEAL AN OBSOLETE PROHIBITION ON THE ESTABLISHMENT OF AUTOMATED TELLER MACHINES OR OTHER INFORMATION-PROCESSING DEVICES OR MACHINES BY OUT-OF-STATE FINANCIAL INSTITUTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 22, 2002–S.L.-2002-29).

H.B. 893, AN ACT REQUIRING THE WILDLIFE RESOURCES COMMISSION TO REPORT ON ITS EFFORTS TO ENSURE COMPLIANCE WITH LOCAL HUNTING LAWS BY DEER HUNTERS USING DOGS IN MOORE COUNTY. (Became law upon approval of the Governor, July 22, 2002–S.L.-2002-30.)

WITHDRAWAL FROM COMMITTEE

S.B. 1241, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT, referred to the **State and Local Government Committee** on July 17.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Pensions & Retirement and Aging 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 **Pensions & Retirement and Aging Committee**.

CALENDAR

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

H.B. 1546 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES.

With unanimous consent, upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 24.

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 Albertson; Bingham, Carpenter, Clodfelter, Dalton, Dannelly, Garrou, Garwood, Harris, Hoyle, Kerr, Martin of Pitt, Moore, Plyler, Purcell, Rand, Robinson, Soles, Warren, Weinstein and Wellons:

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S.R. 1475, A SENATE RESOLUTION RECOGNIZING THE IMPORTANCE TO THE ECONOMY OF THE STATE OF NORTH CAROLINA OF BIOBASED AND VALUE-ADDED AGRIBUSINESS.

Referred to **Rules and Operations of the Senate Committee**.

CALENDAR (*continued*)

S.B. 1367 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BERTIE, COLUMBUS, AND GREENE COUNTIES MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 24.

S.B. 1395 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY FOR PASSENGER RAIL SERVICES IN MECKLENBURG COUNTY AND MUNICIPALITIES IN MECKLENBURG COUNTY.

The Committee Substitute bill passes its second (37-0) and third readings and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

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**:

S.B. 1211, A BILL TO BE ENTITLED AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA AND A PORTION OF BALDHEAD ISLAND STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE THESE PROPERTIES FROM THE STATE PARKS SYSTEM, AND TO AUTHORIZE THE TRANSFER OF THESE PROPERTIES FOR LIMITED PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5828, which changes the title to read **S.B. 1211** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA AND A PORTION OF BALDHEAD ISLAND STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE THESE PROPERTIES FROM THE STATE PARKS SYSTEM, TO AUTHORIZE THE TRANSFER OF THESE PROPERTIES FOR LIMITED PURPOSES, AND TO ALLOW CERTAIN PUBLIC ENTITIES TO USE THE FIRE TOWER AT MOUNT JEFFERSON STATE NATURAL AREA FOR PUBLIC COMMUNICATION PURPOSES, is adopted and engrossed.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

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Nathan Badera, Raleigh; Caleb Winslow Ballew, Roanoke Rapids; Whitney Banks, Swannanoa; Courtney Alexandra Beam, Cherryville; Frederick Benz, Raleigh; Andrew Blake Chadderton, Cary; Anne Tyndall Davis, Greensboro; William Harrison, Fayetteville; Abbey Wright Jones, Tabor City; Jessica Rose Lee, Clayton; Richard Kurt Lindquist, Charlotte; Carrie McMillan, Raleigh; Dana D. Moseley, Oxford; Erin Nichols, Laurinburg; Brian O'Donohue, Gastonia; Elizabeth Price, Asheboro; Nicole Juanita Sapp, Pilot Mountain; Kiersten Strombotne, Cary; Darin Bryce Webb, Cherryville; Hoke Baxter Whitworth, Jr., Cherryville; Benjamin Draughon Williford, Statesville; Larry Wayne Wise, Clemmons; and Isaac Wood, Raleigh.

Upon motion of Senator Rand, seconded by Senator Clark, the Senate adjourns at 7:48 P.M. to meet tomorrow, Tuesday, July 23, at 2:15 P.M.

TWO HUNDRED SIXTH DAY

Senate Chamber
Tuesday, July 23, 2002

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:

"Lord, the Chinese have an ancient saying, 'That the birds of worry should fly above our heads, this we cannot change. That they should nest in our hair, this we can prevent.'

"Holy Scripture says, 'Don't worry about anything but in everything by prayer. Let your requests be made known to God and the peace of God, which surpasses all understanding will guard your hearts and minds.'

"Save us from casting worry. Do not let fear of the future blind us to the possibilities that exist today. Lord we believe, help our belief. Amen."

The Chair grants a leave of absence for today to Senator Ballance.

Senator Rand announces that the Journal of yesterday, Monday, July 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.

The President *Pro Tempore* of the Senate extends courtesies of the floor to Dr. Hollis Tidmore from Wake Forest, North Carolina, who is serving the Senate as Doctor of the Day, and to Sandra Wilder from Lewisville, North Carolina, and Cindy White from Rockingham, North Carolina, who are serving the Senate as Nurses of the Day.

REPORT OF COMMITTEE

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:

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

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, 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 4266, is adopted and engrossed.

ENROLLED BILLS

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

H.B. 1503, AN ACT TO AMEND THE LAW RELATING TO SPECIAL MEETINGS OF SHAREHOLDERS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, TO AMEND THE LAW RELATING TO DISSENTERS' RIGHTS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, TO CLARIFY THAT A GENERAL PARTNER MUST EXECUTE DOCUMENTS FOR FILING BY THE SECRETARY OF STATE, AND TO CLARIFY THE LAW RELATING TO REGISTRATION OF GENERAL PARTNERSHIPS, AS RECOMMENDED BY THE GENERAL STATUTES 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:

H.B. 1609, AN ACT RELATING TO INVESTMENTS BY THE CITY OF DURHAM. (Became law upon ratification, July 22, 2002--S.L.-2002-31).

H.B. 1653, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO REPEAL CERTAIN OPTIONAL RIGHTS OF THE CITY MANAGER, TO AUTHORIZE THE CITY MANAGER TO ACCEPT PROPERTY OFFERED FOR PUBLIC DEDICATION, TO REPEAL THE SECTION THAT PROHIBITS THE CITY MANAGER FROM AWARDBING CONTRACTS THAT EXCEED FIFTY THOUSAND DOLLARS, AND TO MOVE A CERTAIN SECTION FROM CHAPTER FOUR TO CHAPTER EIGHT FOR ORGANIZATIONAL PURPOSES. (Became law upon ratification, July 22, 2002--S.L.-2002-32).

H.B. 1654, AN ACT TO PERMIT THE CITY OF CHARLOTTE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES. (Became law upon ratification, July 22, 2002--S.L.-2002-33).

H.B. 1689, AN ACT TO CHANGE THE NAME OF THE PEARLAND FIRE DISTRICT IN CALDWELL COUNTY TO THE SAWMILLS RURAL FIRE DISTRICT. (Became law upon ratification, July 22, 2002--S.L.-2002-34).

H.B. 1714, AN ACT TO PERMIT THE CARTERET COUNTY BOARD OF EDUCATION TO LEASE PROPERTY TO THE BOYS AND GIRLS CLUB. (Became law upon ratification, July 22, 2002--S.L.-2002-35).

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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 and a joint resolution are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 1501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING UNLAWFUL ACCESS OR DAMAGE TO A GOVERNMENT COMPUTER OR CAUSING DENIAL OF SERVICE AFFECTING A GOVERNMENT COMPUTER.

Referred to **Information Technology Committee**.

H.B. 1664, A BILL TO BE ENTITLED AN ACT TO GUARANTEE THAT EACH RETIRED MEMBER OF THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM RECEIVING RETIREMENT ALLOWANCES SHALL RECEIVE BENEFITS IN AN AMOUNT NOT LESS THAN THE ACCUMULATED CONTRIBUTIONS OF THE RETIREE AT RETIREMENT.

Referred to **Pensions & Retirement and Aging Committee**.

H.J.R. 1774 (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF CHIANG CHING-KUO, LATE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN, AND EXPRESSING THE BELIEF THAT THE REPUBLIC OF CHINA ON TAIWAN (ROC) SHOULD BE PERMITTED TO PARTICIPATE IN A MEANINGFUL AND APPROPRIATE WAY IN THE WORLD HEALTH ORGANIZATION.

Referred to **Rules and Operations of the Senate Committee**.

CALENDAR

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

H.B. 1662 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND TO ANNEX OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Carpenter, Carter, Clark, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Horton, Hoyle, Kinnaird, Lee, Lucas, Martin of Pitt, Metcalf, Moore, Odom, Plyler, Purcell, Rand, Reeves, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—32.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 24, upon third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 1329 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PAY THE NONBETTERMENT RELOCATION COST FOR MOVING A COUNTY-OWNED GAS LINE LOCATED ON A DEPARTMENT OF TRANSPORTATION RIGHT-OF-

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WAY IF THE GAS LINE MUST BE MOVED DUE TO A DEPARTMENT OF TRANSPORTATION CONSTRUCTION PROJECT, referred to the **Appropriations/Base Budget Committee** on July 16.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the Committee Substitute bill 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 withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

CALENDAR *(continued)*

S.J.R. 1474, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BASCOM LAMAR LUNSFORD ON THE OCCASION OF THE SEVENTY-FIFTH ANNIVERSARY OF THE MOUNTAIN DANCE AND FOLK FESTIVAL.

Senator Metcalf offers a motion that the joint resolution be taken up out of its regular order of business and placed before the Senate for immediate consideration, which motion prevails.

Upon motion of Senator Metcalf, the joint resolution is read in its entirety and, upon motion of Senator Wellons, the remarks of the Senators honoring the life and memory of Bascom Lamar Lunsford, are spread upon the Journal, as follows:

Senator Metcalf:

"Thank you, Mr. President and Members of the Senate. I thank the Members of the Senate for the opportunity to speak today to you, in very short compass, in very short fashion about one of the icons of mountain culture. You know, I think that all of us, whether we admit it to ourselves in any kind of open way or to any kind of public way, are concerned to some extent about a legacy or some sense of immortality as to what we will leave to this world when we leave. I think on a personal level we all point with pride to our grandchildren, our children, our family, and those relationships that we have with each other. Politically, I suspect that everyone in this room, at one point or another, would say they'll introduce that landmark piece of legislation or have that building on that campus named for them, to ensure whatever legacy or immortality that we may achieve to our service in this Body or just in life. Today I speak to you about someone whose legacy was, quite frankly, nothing less than the documentation and the preservation of a culture, a wonderful culture and a very unique culture that those of us from our mountain region of the State know so very well. Bascom Lamar Lunsford was and continues to be an icon in our area, as far as our culture goes. He was born in the South Turkey Creek section of Buncombe County in 1882. He was married to Nellie Triplet and they had seven children. The resolution spoke to the many significant accomplishments of this individual. Let me just hold up two things to you today that I think you might find of some interest. In all the careers that Mr. Lunsford had, it didn't speak a lot to them in the resolution, but one of them was political and I think that you might find some interest in this. I am reading from his biography and it was an account given to us by another icon of the West, Senator Sam Irvin. In 1931, Senator Irvin was the floor leader for the Democratic Party in the North Carolina House of Representatives and we all know that Senator Sam went on to be a Justice on the North Carolina Supreme Court, a United States Senator, and became famous during the Watergate time. Let me read to you an account that he had of Bascom Lamar Lunsford. He said 'On the evening before the formal opening of the General Assembly of 1931, the Democrats of the House met in caucus in the House Chamber and nominated their candidates for major House offices. After two residents of Wake County had been nominated for the Post, I placed a name of a third candidate for nomination for the Office of Reading Clerk', Leroy, 'Bascom Lamar Lunsford of Buncombe County' who, in after

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years, rightly received nationwide acclaim as one America's foremost collectors and preservers of folk ballads and folk music. Senator Irvin, quoting himself said, 'Fellow Democrats, I said, we have thus far exercised political wisdom in selecting our candidates. In naming our candidates for Reading Clerk we must not forget the Democrats residing in the west. Like the Democrats of other areas, they are troubled by the world, the flesh, and the devil. Unlike the Democrats of many other areas, however, they are compelled to wage unceasing warfare with another foe, the Republican Party.' Mr. Minority leader, I think it is of some interest to the Members. He went on to be elected Clerk that year and served four years as the Reading Clerk of the House from 1931-1934, but his first love was not politics, it was not teaching, it was not any of those other things. His first love was the documentation, the collection and the promotion of mountain music and mountain culture. If you understand the history of our region at all, you know that the first white settlers in our area, the first folks to settle in our area other than Cherokees, came from Scotland and Ireland. They settled in those hills and because of the remoteness of it, for so long the traditions of those folks were carried on for years and years and years, after decades after they settled. Bascom Lamar Lunsford documented their music. He not only recorded it, he often times, after talking with his daughter earlier, he would memorize it. He would memorize the tales, memorize the music, memorize the dance and he put it all together. What he did, and it is outlined in the Resolution, in terms of the documentation of that is in the Library of Congress and in other places, but what he did, I think, in terms of the significance of his life and getting back to that legacy to some extent, one is that his legacy still lives, still is very much alive and part of all of us who are part of the mountains. The Folk Heritage Committee of the Asheville Chamber of Commerce will, again this year, and it is comprised of fifteen volunteer members, sponsor the Mountain Dance and Folk Festival. This is their 75th year and it was started by Mr. Lunsford in 1928. Also, growing from that tradition is our tradition of, I think about the last thirty years, is our Shindig on the Green. Every Saturday night in the summer, some 2000-4000 people gather in downtown Asheville to listen to some of the best of our music. Let me say a couple of other things in terms of his significance in what he has meant to us and who we are. I was talking to my wife earlier this morning and she said, 'You are going to do this on Bascom Lamar Lunsford?' and I said, 'Yes.' She said, 'You'll never capture the significance of him.', and I said, 'No, I can't, I know that.' I know full well that I can't, but let me raise two other issues if I may. One is that he bridged that gap, and I talked to you about the historical gap, but I think more than that he bridged a personal gap for those of us whose family goes back those two or three hundred years in Western North Carolina. If I may read to you just from his own words, he says, 'I want to call attention, for the good it may do, to the value of traditional culture as compared with the value of our artistic culture. The fella that knows the traditional background of his people has the advantage over the fella that's got no idea, except something he figured out on his own.' Bascom Lamar Lunsford let us understand where our families were some two hundred years ago and how we got to where we are today. Another part that I would say his significance, and again I was talking to the daughter earlier, was Bascom Lamar Lunsford loved the mountain people and he made us proud of ourselves, particularly at a time when he was doing the work he was doing and that was not necessarily something that we did in the mountains. Many of the stereotypes about us and about our music and about our people and a lot of the stereotypes we created ourselves, if you know the history of tourism in Western North Carolina. We created a lot of that to get flatlanders to come up and kind of see our hillbilly ways or whatever it might be. But he said, 'The key to whatever success that I've had has been in recognizing the value of the fine traditions of mountain people.' and we thank him for that. Let me just say in his life, he referred to his festival one time, he was a very unpretentious man, he spoke very straightforward a lot like Senator Irvin and others, like former Speaker of the House of Representatives Liston

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Ramsey that we will talk about maybe tomorrow or the next day. He was a very straightforward guy and although his festival is a model for all over the Nation and is probably the longest running festival of its kind in the Nation, he simply said it was 'a plain tale, simply told.' Well let me say that about his life. Mr. Lunsford's life was a plain tale simply told and, if I may add, well done. I urge your support of the resolution. "

Senator Foxx:

"Mr. President, it's ironic that we have this resolution honoring Bascom Lamar Lunsford today and we are also going to do one for Lulu Bell Weisman and one of the things I was going to say in my remarks about her is that one of the most known tunes that Lulu and Scotty Weisman recorded is a song called 'Mountain Dew' which is a re-working of a Bascom Lamar Lunsford tune. So, whenever you hear that song, 'Mountain Dew,' you need to know that the originator of the writing of that song was Bascom Lamar Lunsford."

Senator Carpenter:

"Thank you Mr. President and Ladies and Gentleman of the Senate. Bascom Lunsford was quite a man. I think that Senator Metcalf did a good job explaining the type of person he was but there is a certain culture, Steve, about mountain people, particularly the music makers that is a little bit different than the regular type person. My father's name was Ed Carpenter. He was a good friend of Herbert Hyde who used to be in the Senate and he was an old-time mountain fiddler. He has been dead, his life paralleled Lamar Lunsford for quite some time. I think Lamar was about sixteen years older than my dad but, nevertheless, the fact is that they played these old Irish jigs and you made some comments about the Irish a few minutes ago. I am still stopped many times on Main Street in Macon County for people to say, 'Hey I knew your daddy. Boy he could make a fiddle talk.' You know you hear those kinds of expressions. I guess if you were to sum it up, Shakespeare I think made this statement. He said, 'Music has the charm to tame the savage beast.' I urge your support of the Resolution."

Senator Albertson:

"I never knew this man, but I know he used to come down to Raleigh at the State Fair and have his dances and put on his music. I know that he was a great person as far as music was concerned. I appreciate Senator Foxx mentioning that he was the person who wrote the song, 'Mountain Dew.' I have sung that song many times, it is a good foot-stomper. Folks can enjoy it and have a good time by it and I recommend the resolution."

The joint resolution passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 1544 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

With unanimous consent, upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 30.

H.B. 1520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS AND TO AMEND THE DEFINITION OF QUALIFIED GRANTEE BUSINESS, upon second reading.

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Senator Hoyle offers Amendment No. 1 which is adopted (47-1), and changes the title to read **H.B. 1520** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS, TO AMEND THE DEFINITION OF QUALIFIED GRANTEE BUSINESS, TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, AND TO CLARIFY AND AMEND THE NORTH CAROLINA STATE PORTS AUTHORITY'S FEE-SETTING AUTHORITY.

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foy, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—48.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Wednesday, July 24, upon third reading.

REPORT OF COMMITTEE

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**:

S.B. 1227, A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN STATUTES RELATED TO LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN CONNECTION WITH THE CLEANUP OF RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8775, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1747 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF CHIROPRACTIC EXAMINERS TO COLLECT A FEE FOR THE ANNUAL RECERTIFICATION OF CHIROPRACTIC DIAGNOSTIC IMAGING TECHNICIANS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foy, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—49.

Voting in the negative: None.

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The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 24, upon third reading.

S.B. 1008 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES EXCEPT BY A FEDERALLY RECOGNIZED INDIAN TRIBE AS AUTHORIZED BY THE INDIAN GAMING REGULATORY ACT AND A VALID TRIBAL-STATE COMPACT.

The Committee Substitute bill passes its second reading (44-5) and third reading (44-5) and is ordered sent to the House of Representatives.

S.B. 1163, A BILL TO BE ENTITLED AN ACT PROVIDING FOR VOLUNTARY FLEXIBLE WORK SCHEDULES FOR STATE EMPLOYEES.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1211 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA AND A PORTION OF BALDHEAD ISLAND STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE THESE PROPERTIES FROM THE STATE PARKS SYSTEM, TO AUTHORIZE THE TRANSFER OF THESE PROPERTIES FOR LIMITED PURPOSES, AND TO ALLOW CERTAIN PUBLIC ENTITIES TO USE THE FIRE TOWER AT MOUNT JEFFERSON STATE NATURAL AREA FOR PUBLIC COMMUNICATION PURPOSES.

The Committee Substitute bill passes its second reading by a three-fifths majority vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Fogg, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Kerr, Lee, Lucas, Martin of Pitt, 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: Senator Kinnaird—1.

Senator Odom objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore*, orders the measure placed on the Calendar for tomorrow, Wednesday, July 24.

S.J.R. 1368, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MYRTLE ELEANOR "LULU BELLE" COOPER WISEMAN STAMEY, FORMER MEMBER OF THE GENERAL ASSEMBLY, AND CELEBRATING THE YEAR OF THE APPALACHIA.

Senator Rand offers a motion that the joint resolution be withdrawn from today's Calendar and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from today's Calendar and re-refers the measure to the **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1473, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES EDWARD TAYLOR, THE WORLD'S FIRST AIRPLANE MECHANIC, AND URGING THE CITIZENS OF THIS STATE TO RECOGNIZE MAY 24 OF EACH

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YEAR AS NORTH CAROLINA AVIATION MAINTENANCE TECHNICIAN DAY IN HONOR OF CHARLES EDWARD TAYLOR AND ALL THE AVIATION MAINTENANCE TECHNICIANS WHO HAVE FOLLOWED IN HIS FOOTSTEPS, referred to the **Rules and Operations of the Senate Committee** on July 16.

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 Thursday, July 25, 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 Thursday, July 25.

CALENDAR *(continued)*

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF TAX LAWS BY CRIMINALIZING OR INCREASING THE PENALTY FOR CERTAIN FORMS OF TAX FRAUD AND BY ALLOWING THE DEPARTMENT OF REVENUE TO DISCLOSE CERTAIN INFORMATION TO LAW ENFORCEMENT AGENCIES.

The bill passes its second reading (48-1).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore*, orders the measure placed on the Calendar for tomorrow, Wednesday, July 24.

H.B. 1583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGAL EFFECT OF THE USE OF ELECTRONIC TECHNOLOGY IN CRIMINAL PROCESS AND PROCEDURE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 1329 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PAY THE NONBETTERMENT RELOCATION COST FOR MOVING A COUNTY-OWNED GAS LINE LOCATED ON A DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY IF THE GAS LINE MUST BE MOVED DUE TO A DEPARTMENT OF TRANSPORTATION CONSTRUCTION PROJECT, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

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. 1492, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, with a favorable report.

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H.B. 1615, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CHINA GROVE, with a favorable report.

H.B. 1637 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE MEDICAL CENTER TO USE ATTACHMENT AND GARNISHMENT PROCEDURES FOR COLLECTING UNPAID BILLS, with a favorable report.

H.B. 1684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, with a favorable report.

H.B. 1690 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CANDOR, AND OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD, with a favorable report.

H.B. 1525 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF RED CROSS, with a favorable report, as amended.
Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

WITHDRAWAL FROM COMMITTEE

S.B. 1112, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR, referred to the **Rules and Operations of the Senate Committee** on May 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 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**.

Upon motion of Senator Rand, seconded by Senator Metcalf, the Senate adjourns at 3:42 P.M. to meet tomorrow, Wednesday, July 24, at 2:12 P.M.

TWO HUNDRED SEVENTH DAY

Senate Chamber
Wednesday, July 24, 2002

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, the announcement in a Church newsletter was not well-edited. It read: 'Next Thursday there will be tryouts for the choir. They need all the help they can get.'

"In a departure from our usual petitions for the Senate, today we pray for the

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lawmakers across the way in the House. I guess it's much harder to affect harmony in a 120-member choir than a 50-member one. Much is at stake for both sides in this building and the people of North Carolina. Pick up the baton and conduct the choir, O God. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, July 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.

The President of the Senate extends courtesies of the floor to Dr. Christine Ilunga from Goldsboro, North Carolina, who is serving the Senate as Doctor of the Day, and to Ellie Hunt from Raleigh, 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:

H.B. 1583, AN ACT TO ESTABLISH THE LEGAL EFFECT OF THE USE OF ELECTRONIC TECHNOLOGY IN CRIMINAL PROCESS AND PROCEDURE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.

The Enrolling Clerk reports the following bill and joint resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 1357, AN ACT TO MAKE CHANGES TO DURHAM COUNTY OCCUPANCY TAX PROVISIONS.

S.J.R. 1474, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BASCOM LAMAR LUNSFORD ON THE OCCASION OF THE SEVENTY-FIFTH ANNIVERSARY OF THE MOUNTAIN DANCE AND FOLK FESTIVAL. (Res. 5)

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 Rand for the **Rules and Operations of the Senate Committee**:

S.J.R. 1368, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MYRTLE ELEANOR "LULU BELLE" COOPER WISEMAN STAMEY, FORMER MEMBER OF THE GENERAL ASSEMBLY, AND CELEBRATING THE YEAR OF THE APPALACHIA, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 4741, which changes the title to read **S.J.R. 1368** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MYRTLE ELEANOR "LULU BELLE" COOPER WISEMAN STAMEY, FORMER MEMBER OF THE GENERAL ASSEMBLY, AND CELEBRATING THE YEAR OF APPALACHIA, 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.

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S.J.R. 1469, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON, A STRONG DEFENDER OF RELIGIOUS FREEDOM, ON THE 225TH ANNIVERSARY OF HIS BIRTH, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 4742, which changes the title to read **S.J.R. 1469** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON ON THE 225TH ANNIVERSARY OF HIS BIRTH, 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.

By Senator Robinson for the **State and Local Government Committee**:

S.B. 1350, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROHIBITION AGAINST HUNTING FROM THE RIGHT-OF-WAY IN HARNETT 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 4749, is adopted and engrossed.

H.B. 1484, A BILL TO BE ENTITLED AN ACT REPEALING THE SECTION OF THE CHARTER OF THE CITY OF TRINITY THAT PROHIBITS THE CITY COUNCIL FROM HOLDING CLOSED SESSIONS AS AUTHORIZED UNDER THE GENERAL LAW, with a favorable report.

H.B. 1486, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE VICINITY OF THE ROANOKE RIVER BRIDGE ON HIGHWAY 17 IN BERTIE COUNTY, with a favorable report.

H.B. 1599 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE COMPOSITION OF THE TOWN OF ANGIER BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS, with a favorable report.

H.B. 1683, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE SEVEN SEPARATE SEATS ON THE WAYNE COUNTY BOARD OF COMMISSIONERS, with a favorable report.

H.B. 1698, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF CULTURAL RESOURCES TO ERECT A SECOND HISTORICAL MARKER COMMEMORATING AN INDIVIDUAL, with a favorable report.

H.B. 1723 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH A TRUST FUND SPECIFICALLY AUTHORIZED BY STATUTE TO BE CREATED BY A CITY UPON CONDITION THAT THE TOWN APPROPRIATES ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OR PURPOSES FOR WHICH THE FUND WAS ESTABLISHED, with a favorable report.

S.B. 1351, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REGULATING FOXHUNTING IN HARNETT COUNTY, with a favorable report.

S.B. 1170, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL

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GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS FOR CITIES AND TOWNS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4743, which changes the title to read **S.B. 1170** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING ADDITIONAL METHODS FOR BIDDING ON PUBLIC PROCUREMENT CONTRACTS, is adopted and engrossed.

S.B. 1312, A BILL TO BE ENTITLED AN ACT TO CHANGE THE COMPOSITION OF THE TOWN OF ANGIER BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4746, which changes the title to read **S.B. 1312** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, is adopted and engrossed.

S.B. 1336, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8771, which changes the title to read **S.B. 1336** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM, is adopted and engrossed.

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, 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 6454, which changes the title to read **H.B. 522** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CREATION OF COUNTY ECONOMIC DEVELOPMENT AUTHORITIES AND TO INCREASE THE ANNUAL PER DIEM FOR WATER AND SEWER AUTHORITY MEMBERS, is adopted and engrossed.

H.B. 1219 (Senate Committee Substitute) A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH AS IT RELATES TO THE REGULATION AND PROHIBITION OF TREE REMOVAL AND REPLACEMENT, 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, 4264, which changes the title to read **H.B. 1219** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ROCKINGHAM TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS IN THAT CITY, is adopted and engrossed.

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

S.B. 1112, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2002-2003 FISCAL YEAR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4737, which changes the title to read **S.B. 1112** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE THE LAW MAKING CERTAIN MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2001, is adopted and engrossed.

Upon motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 1455 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Committee Substitute bill No. 3.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 3, 4748, which changes the title to read **S.B. 1455** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD, TO PROHIBIT THE STATE FROM CONTRACTING WITH BUSINESSES THAT HAVE ANY OFFICERS OR DIRECTORS WHO HAVE BEEN CONVICTED OF SECURITIES FRAUD, AND TO PROHIBIT THE STATE FROM CONTRACTING WITH VENDORS THAT ARE INCORPORATED IN A TAX HAVEN COUNTRY BUT THE UNITED STATES IS THE PRINCIPAL MARKET FOR THE PUBLIC TRADING OF THEIR CORPORATION'S STOCK, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 1552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DELAY THE EFFECTIVE DATE OF THE LOCKSMITH LICENSING ACT AND TO ALLOW THE LOCKSMITH LICENSING BOARD TO ADOPT TEMPORARY RULES, with a favorable report.

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

H.B. 1607, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LINCOLN TON FIREMEN'S SUPPLEMENTAL RETIREMENT FUND, with a favorable report.

H.B. 1666, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM, with a favorable report.

S.B. 1219, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GASTONIA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1744, which changes the title to read **S.B. 1219** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISSOLUTION OF THE GASTONIA POLICEMEN'S SUPPLEMENTARY PENSION FUND, is adopted and engrossed.

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S.B. 1241, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4739, which changes the title to read **S.B. 1241** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM, is adopted and engrossed.

CALENDAR

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

H.B. 1662 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND TO ANNEX OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—49.

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.

Upon motion of Senator Ballance, Senator Clark, Senator Lucas, Senator Shaw of Cumberland, and Senator Rand, the President extends the courtesies of the gallery to children from West Africa and their host families and teachers from Lewis Chapel Missionary Baptist Church in Fayetteville, North Carolina.

H.B. 1525 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF RED CROSS, as amended by the Finance Committee, upon second reading.

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—49.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for tomorrow, Thursday, July 25, upon third reading.

H.B. 1615, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CHINA GROVE, upon second reading.

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The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, July 25, upon third reading.

H.B. 1684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—50.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 25, upon third reading.

H.B. 1690 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CANDOR, AND OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—50.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 25, upon third reading.

S.B. 1367 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BERTIE, COLUMBUS, AND GREENE COUNTIES MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

Senator Ballance offers Amendment No. 1 which is adopted (50-0), and changes the title to read **S.B. 1367** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BERTIE, COLUMBUS, AND GREENE COUNTIES, AND THE TOWN OF WINDSOR MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

The Committee Substitute bill, as amended, passes its second reading (50-0).

Senator Moore objects to third reading of the measure. Pursuant to Rule 50, the

President, orders the measure, as amended, placed on the Calendar for tomorrow, Thursday, July 25.

REPORT OF COMMITTEE

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. 1308 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DATE BY WHICH ONLY LOW-SULFUR GASOLINE MAY BE SOLD IN THE STATE AND TO AUTHORIZE THE GOVERNOR TO TEMPORARILY WAIVE STATE LOW-SULFUR GASOLINE STANDARDS IN FAVOR OF FEDERAL LOW-SULFUR GASOLINE STANDARDS IF THE GOVERNOR FINDS THAT ENFORCEMENT OF THE STATE STANDARDS WOULD HAVE A SIGNIFICANT ADVERSE IMPACT ON THE SUPPLY OR PRICE OF GASOLINE IN THE STATE, 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 4262, which changes the title to read **H.B. 1308** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFIRM THE DATE ON WHICH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE BECOMES EFFECTIVE AND TO PROVIDE THAT GASOLINE THAT MEETS FEDERAL REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE DURING THE TWO-YEAR PERIOD ALLOWED FOR THE TRANSITION TO LOW-SULFUR GASOLINE BY FEDERAL REGULATIONS, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1637 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE MEDICAL CENTER TO USE ATTACHMENT AND GARNISHMENT PROCEDURES FOR COLLECTING UNPAID BILLS.

With unanimous consent, upon motion of Senator Gulley, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 25.

H.B. 1520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS AND TO AMEND THE DEFINITION OF QUALIFIED GRANTEE BUSINESS, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 49, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller,

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Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—49.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1747 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF CHIROPRACTIC EXAMINERS TO COLLECT A FEE FOR THE ANNUAL RECERTIFICATION OF CHIROPRACTIC DIAGNOSTIC IMAGING TECHNICIANS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—50.

Voting in the negative: None.

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

S.B. 1227 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN STATUTES RELATED TO LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN CONNECTION WITH THE CLEANUP OF RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1245 (Senate Committee Substitute), 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.

Senator Hagan offers Amendment No. 1 which is adopted (49-1).

The Senate Committee Substitute bill, as amended, passes its second reading (27-23).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure, as amended, placed on the Calendar for tomorrow, Thursday, July 25.

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**:

H.B. 1589, A BILL TO BE ENTITLED AN ACT TO REVISE AND

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CONSOLIDATE THE CHARTER OF THE TOWN OF PRINCETON, with a favorable report.

S.B. 1161, A BILL TO BE ENTITLED AND ACT TO AMEND THE PRESENT-USE VALUE STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill PCS 4750, which changes the title to read **S.B. 1161** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, is adopted and engrossed.

Upon motion of Senator Hoyle, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 1416, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LOW-INCOME HOUSING TAX CREDIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6885, which changes the title to read **S.B. 1416** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE LOW-INCOME HOUSING TAX CREDIT BY MAKING IT SIMPLER AND LESS COSTLY WHILE PROVIDING THE SAME LEVEL OF INCENTIVES FOR THE CONSTRUCTION OF LOW-INCOME HOUSING AND TO MODIFY THE FORMULA FOR CALCULATING NORTH CAROLINA ESTATE TAX ON ESTATES WITH PROPERTY IN MORE THAN ONE STATE, is adopted and engrossed.

H.B. 1646, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF ROWLAND, 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 4268, which changes the title to read **H.B. 1646** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT ARREST POWERS TO THE TOWN OF ROWLAND IN CERTAIN AREAS, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, with Amendment No. 1 offered by Senator Webster on July 9 pending.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 25, with Amendment No. 1 pending.

WITHDRAWAL FROM COMMITTEE

S.B. 1342, A BILL TO BE ENTITLED AN ACT TO AMEND STATE AND LOCAL REVENUE LAWS, referred to the **Rules and Operations of the Senate Committee** on June 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from

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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**.

S.B. 1210, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, TO STUDY ISSUES RELATED TO AND OPTIONS FOR THE MANAGEMENT OF WASTEWATER GENERATED BY WINERIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, referred to the **Rules and Operations of the Senate Committee** on June 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 **Agriculture/Environment/Natural Resources 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 **Agriculture/Environment/Natural Resources Committee**.

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**:

S.B. 1253, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN ANIMAL WASTE MANAGEMENT SYSTEMS SHALL NOT QUALIFY FOR SPECIAL PROPERTY CLASSIFICATION AND EXCLUSION FROM THE TAX BASE PURSUANT TO G.S. 105-275(8) AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY ISSUES RELATED TO THE TAX EXCLUSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6884, is adopted and engrossed.

S.B. 1407, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONTRACT RIGHT REGARDING THE TIMING OF PAYMENTS UNDER CONTRACTS REQUIRING REIMBURSEMENT OF FEDERAL FUEL EXCISE TAXES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4745, which changes the title to read **S.B. 1407** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONTRACT RIGHT REGARDING THE TIMING OF PAYMENTS UNDER CONTRACTS REQUIRING REIMBURSEMENT OF FEDERAL FUEL EXCISE TAXES AND TO MAKE VARIOUS MOTOR FUEL EXCISE TAX CHANGES, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 1211 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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REMOVE BOONE'S CAVE STATE NATURAL AREA AND A PORTION OF BALDHEAD ISLAND STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE THESE PROPERTIES FROM THE STATE PARKS SYSTEM, TO AUTHORIZE THE TRANSFER OF THESE PROPERTIES FOR LIMITED PURPOSES, AND TO ALLOW CERTAIN PUBLIC ENTITIES TO USE THE FIRE TOWER AT MOUNT JEFFERSON STATE NATURAL AREA FOR PUBLIC COMMUNICATION PURPOSES.

Senator Odom offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading by a three-fifths majority vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foss, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—49.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF TAX LAWS BY CRIMINALIZING OR INCREASING THE PENALTY FOR CERTAIN FORMS OF TAX FRAUD AND BY ALLOWING THE DEPARTMENT OF REVENUE TO DISCLOSE CERTAIN INFORMATION TO LAW ENFORCEMENT AGENCIES.

The bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

H.B. 1546 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES, as amended upon second reading.

Senator Wellons offers Amendment No. 3.

Senator Allran offers Amendment No. 4 as a perfecting amendment to Amendment No. 3.

Amendment No. 4 perfecting Amendment No. 3, is adopted (36-10).

Amendment No. 3 is adopted (48-2).

The Committee Substitute bill, as amended, passes its third reading (46-4) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 3, and No. 4.

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. 1526 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LISTON BRYAN RAMSEY, FORMER MEMBER AND SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Upon motion of Senator Rand, the rules are suspended, without objection, and the Committee Substitute joint resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Carter, the Committee Substitute joint resolution is read in its

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entirety and, upon motion of Senator Foxx, the remarks of the Senators honoring the life and memory of former Member and Speaker of the House of Representatives, Liston Bryan Ramsey, are spread upon the Journal, as follows:

Senator Carter:

"Thank you Madame President and Members of the Senate. Mr. Speaker is a fine person in the memory of Western North Carolina and there are a few people, and you can argue this very easily, that have done more for Western North Carolina than Liston Ramsey, or few that have done more for the entire State of North Carolina than Liston Ramsey. If you have ever been to Madison County, you know it's one of God's special places. It's high in the mountains. Of the times that I have been there, you'll notice that there is not much flat land up there. So, you are either in the valley looking up at the incredible mountains that are there or you are up on the mountains looking at some incredible valleys, beautiful views that are in our State and what a treasure it is for us to have Madison County in our State. I think that landscape impacts the people there, they have a very healthy perspective about life, they have a healthy perspective about their place. I have often paralled it to people who live on the ocean. I think you can see how huge the world can be and it puts you in its perspective. Liston Ramsey was one of those who understood his place and he understood that he was simply a servant. He was someone who worked for the people of Madison County and throughout Western North Carolina and he invested in our people, greatly. He used the State resources and as his position as Speaker he gave many things to Western North Carolina. You can look at our Arboretum, which now brings over 500,000 visitors a year, you look at the Farmers' Market which is very profitable and helpful to our agrarian people in Western North Carolina. You can look at our University System; two different universities have buildings named after him, at the University of North Carolina-Asheville, where his daughter graduated, and from Western Carolina University. The Community Colleges, there is now a Community College in Madison County that is an AV-Tech out of Buncombe but annexed there in Madison. Haywood County had an incubator put in due to Liston Ramsey and that created jobs for people in Western North Carolina. Liston was such a magnanimous person, helped so many people, and constantly did things in a very quiet and relaxing way. I remember when I first got here and literally within the first week of my time as a Senator and I was so confused. Just didn't know my way around this building, didn't know where I was, had all these ideas and a lot of energy but didn't know exactly how to apply it. I remember one day I was at my desk busily working and this presence kinda filled the door and I looked up thinking it was some large man. Instead it was Liston Ramsey, very feeble and hunched over, and he had walked down the aisle to my office. He said, 'Senator', and I was kinda taken aback and I said, 'Yes, Speaker.' He said, 'May I join you or may I sit here?' and I said, 'Well, of course.' It was one of those moments where you realize that nothing you do will be as hospitable as it needs to be to such a fine person, and the only reason why he came down there was to make sure that I was comfortable, to make sure I knew my way around the building, make sure that I understood who the people were and if I had any questions about just the cadence of this General Assembly. I will say that in my very rookie year that there was no other person from Western North Carolina who had served here beforehand, who came by my office just to check on me. To make sure I was alright, to make sure I was ready to represent Madison County and all of Western North Carolina. He was a fine person who constantly kept his perspective on the little people, the working class, the people who really are the salt of the earth and he is someone that I have always tried to emulate in every bill that I put forward in this Body. He is a fine person, obviously because the people of Madison County in Western North Carolina sent him down here for longer than any other Legislator in the history of the State of North Carolina. That speaks volumes for

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somebody. No matter what the changes in the weather were, the change in the demographics, they continued to send Liston Ramsey down here to serve the people of the State of North Carolina. And so for a fine person, a populous, a mentor to me and a mentor to so many people, I hope that we will all vote and strongly affirm this resolution, not only for Liston Ramsey, for the family, but for the people of North Carolina.

Senator Metcalf:

"Thank you Madame President. I want to be cognizant of time after I spoke yesterday and I thank the members for allowing us to talk about good mountain people for the last two days. When I spoke yesterday, Senator Odom reminded me that there was still time to present the Oxmeter to someone else if I spoke as long again today. So I want to be as quickly as I can and as short a compass as I can. I must tell you that I struggled with this resolution for the last two or three days and I thank Representative Haire and the members of the House for sponsoring it and sending it over and I thank Senator Carter for his remarks. We struggled with this because we all had a very special affection for Liston Ramsey. I can tell you when I decided that I was going to run for the North Carolina Senate, I had asked what seemed like everybody in North America if it would be a good idea for me to run and I talked to a number of people. People would always give you this long conversation and try to flatter you and this is a good thing and go into a long analysis of it and maybe even say, 'Have you had done any polls?', or whatever. But I remember the day I decided I would run, it was in December of 1997 and I was in Marshall for the Marshall Christmas Parade and I was there shaking hands and talking to folks. And Charles, I'd been over on the island. If you've ever been to Marshall you know that there is an island right in the middle of the French Broad River and there is a school on that island. My cousin used to be the principal of that school for a number of years, and that is where they staged for the parade. I was over shaking hands and I was coming back across the bridge and it was one of those December days, Senator Albertson, that you would understand. The blue snow was blowing and it was absolute bitter cold and I came up beside a car and there sat Liston and he hit the button and the window came down. I said, 'Liston, I have been wanting to talk to you. I have been giving a great deal of thought for running for the North Carolina Senate. What do you think?' Liston sat there for a minute and leaned back and he looked up at me and said, 'I think that would be a good idea.' He rolled up the window. I knew full well that if he had not thought it'd been a good idea he would have said, 'I don't think that's a good idea.' So I knew from that point on that I was going to run and that Liston was going to be probably supportive of my campaign and that story speaks volumes in terms of the other ways that he conducted himself. I remember Senator Carter relaying personal stories about when he first got down here. I remember the day we were sworn in. I saw Liston out here in the hall and I was talking to him and one of the lobbyists came up and was talking about the session and saying, 'We're going to do this this session, and we're going to do that this session.' and just talking on and on. The fella walked away and Liston looked at me and said, 'That fella's right proud of himself, isn't he?' and I said, 'Indeed he is, Liston', and he said, 'He's a mighty poor judge of character I'd say.' Liston had a way of summarizing things and summarizing them very quickly. As most of you know and I have shared from time to time, the first speech I gave on this floor was to bring notice of Liston's 80th birthday. I had really a special relationship with him but I don't think any more special than any of the other folks in the mountains. That was the magic of Liston, everyone thought they indeed had a special relationship with him. Mine may have come from my own mom and dad, they were born in February of 1919, probably within about three or four miles of where Liston Ramsey was born. So, I know where they came from. I know they came from a very poor part of the world and they came of age in the middle of the depression, even poorer, and for Liston to go from that situation to being arguably the most powerful man in the State of

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North Carolina, we sometimes have to ask ourselves why and I think there are two or three reasons. Liston worked hard, he believed in that, but we all work hard in this Body and we all understand the value of hard work. I would also point out to you that Liston had the support of a wonderful bride and a wonderful family. You can't talk in Western North Carolina about Liston Ramsey without talking about 'Miss Florence', his bride of some sixty years and his daughter Martha. I would also say to you two things that I think are very important. One was Liston loved his profession and was never ashamed of it. A lot of times we run as 'Well I am a businessman, but I'm not a politician.' or I am this but I am not a politician. Liston was a politician and he understood the notion of public service. He once told me, I said something about 'It's kinda political isn't Liston?' and he said, 'Son, let me tell you something. Politics is a way poor people access the system.' And I thought a lot about that. There probably aren't many folks in this room that couldn't access the system in terms of education and health care or whatever it may be if we wanted to. But we come here and work for those people who can't do it and it is a high and honorable calling and I am proud of Liston for recognizing that. I would also say to you that Liston loved this Body, he loved it a great deal, and I hate to keep relating stories, but I asked him one time again, 'Liston can I do something?', and he looked at me and said, 'Son, you are a member of the North Carolina General Assembly. You can do anything you want to do if you can get twenty-six votes in the Senate and sixty-one votes in the House.' So he understood our institutions and he understood and loved working here, but I think the thing that Liston loved more than anything else was the people of North Carolina. He understood their needs, he understood you had to educate the children, find jobs for the people, give dignity to the elderly. He believed that as much as anybody I have ever known. Liston, also I would tell you, he loved people from Western North Carolina. He's subscribed to a theory that a lot of us hold forth from time to time, the only thing that is better than the beauty of our mountains is the grace of our people and he understood that more than anybody I have ever met. We certainly miss Liston, Martha, we always will. There are times, there is not a week that goes by that I am not sitting back home and somebody would say, 'Gosh, I wish Liston was here.' Well we all do. We really, really do. Ladies and Gentleman, I commend the resolution to you.

Senator Robinson:

"If I may I would like to make one of these short speeches. Members of the Senate, Liston Ramsey, of course, was very special to everyone in Western North Carolina and I didn't realize it but evidently when Steve, Charles, and I came down here together in '98 he must have made the rounds because he came by to see me one day. I wasn't there and he told Jean, he said, 'Jean, tell Dan to come up and see me.' I went up and he was sitting in his office and he said, 'Dan, how are you getting along?' and I said, 'I don't know Liston.' I said, 'It's an unusual place.' and he said, 'Can I give you some advice?', and I said, 'Yes, I wish you would.' He said, 'Number one Dan, don't ever take anything personal that happens down here'. If I may I am going to say it like I said it to him, I said, 'Well, how in the hell do you do that?' and he said, 'Dan you must, you must. Don't ever take anything personal. Secondly, I know you pretty well, things are going to move slower here than you want them to and you must always remember that progress is made in very small increments.' I tried very hard to remember those wise words, but to this day I sometimes have trouble with them. Liston took great pride in helping people to understand that it is 130 miles from Asheville to Murphy. Most people in this State have no idea how much of North Carolina is west of Asheville and he took great pride in that. He took great pride in the region that he represented and as well as representing the State of North Carolina. I'll always remember him as a person that if he told me something and if he shook hands with me, I knew that I could count on it. You did not have to get it in writing, his word was his bond and I've never known him to go back on his word. He had

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great pride in serving in the wonderful chamber in the State House of Representatives, the General Assembly of the State of North Carolina. He took great pride in that, I heard him speak of it in ways that only he could speak. I heard him recommend to young people to consider it because it was a way to serve your people. Whenever I heard that Liston had passed on and went up to the funeral, to me I knew that for most people in Western North Carolina, his legacy would be that he, of all people, a man from Madison County who started with meager beginnings became the most powerful man and the man that did the most for Western North Carolina of any person that ever lived. Thank you very much."

Senator Warren:

"Excuse my weak voice but I want to say a couple of things about Ramsey. I came here in 1980 and out in Eastern North Carolina we didn't have anything down there, we didn't even have a medical school. Starting at that time, we didn't have a four lane road down that way and he was a man to understand East from West. Every time he built a building in Western North Carolina he put one in Eastern North Carolina and that impressed me when he had that vision to look at all of us throughout the State. When I came here in 1980, I believe, and Senator Plyler led me around, I didn't know much about this type of business up here and what we could do and couldn't do. I went to Liston Ramsey and said, 'Liston, give me some good advice. I am a country boy on a tobacco farm down there in Pitt County, I don't know a lot. What should I do up here?' and he said, 'Three things: Number one, just remember that there is always somebody smarter than you are up here listening. Number two, you can't buy your way because somebody's got more money than you have. And three, you'd better steer away from reporters and stay away from the press.' Those are the three things he taught me and I tell you they are true today, the same three things are true today, as I see. But I think the most important thing in my ten years with him was that he always thought about the working people, he didn't care whether it was East or West, his commitment was always there. He was not a tight person he didn't talk a lot, but when he stood up everybody listened and I was so impressed with that. He just had the ability when he knew what he was talking about and the House paid attention to that and I think Senator Soles knows that. I was so impressed with his attitude and what he tried to be, he was from North Carolina where there are a lot of poor people and how he helped to get a medical school to help the poor people in our part of the State. That meant so much to me in my whole career. I tried to follow him in some degree, not talk too much, but I think that when Senator Plyler was leading me around, those were the best years of my life until I came to the Senate and been even better here under Senator Basnight's leadership. What I liked about Ramsey was that Eastern North Carolina was important just like Western North Carolina, rich or poor, it didn't make any difference and he would divide State dollars between the West and the East where it should have been and, therefore, I can speak to that point because I was a part of it. I urge your support of the resolution."

Senator Albertson:

"Thank you Madame President and Members of the Senate. I was elected to the House in 1989 and, Madame President, as you well remember what a year that was to get elected to the House, a country boy coming to Raleigh from Duplin County and didn't know much about politics and jumping all in the middle of that. Of course, I had committed myself previously to the time we took the vote to support Speaker Ramsey for another term as Speaker of the House and I kept my commitment and I've always been glad that I did. But the two things I remember, in particular, about Liston Ramsey was I observed him after he was defeated on that date, that historic date. I never was able to detect any bitterness on his part for having lost that Speakership race under the conditions that he did. If there was any bitterness there I was never able to see it. He was always so kind to everybody and to look at him and be around him you'd never have known he was Speaker, that was one of his outstanding qualities that I remember so well. The other thing that I remember about

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him was, I know of an individual he gave a second chance to and that person has told me how grateful he was always to Liston Ramsey for giving him a second chance in life and what a wonderful attribute that is for one to have. Many of us should emulate that as well. I was honored that I was asked to sing at the Memorial Service that we had for Speaker Ramsey up in the Auditorium. One of his favorite songs I was told, was one of Hank Williams' songs called 'I Saw the Light.' It was obvious to me that Liston Ramsey had seen the light and knew what life was all about and that it was serving other people and he did that so magnificently. What a wonderful man he was who did so much to make our State a better place and I commend the resolution to you."

Senator Dalton:

"I did not know Liston that well. I served with him on Revenue Laws and knew him in the building, but in another sense, I knew him very well because of my friend and mentor, Jack Hunt. I think I see Jack up in the audience. Jack was Liston's Rules Chair and Speaker *Pro Tempore*, and certainly Liston lives on with Jack Hunt telling the stories of the tough times and the good times and the great mark that this man made for North Carolina. Also, I remember the memorial service and something that was read at the memorial service and I think Senator Odom read it on this floor. I wish had it today but I think it said something like when Liston did his acceptance speech he said, 'We should have two priorities, we should make sure we have food for the stomachs of our people and food for their minds.', and I think those are two great priorities and we will miss this great man."

Senator Soles:

"Thank you Madame President and Ladies and Gentleman of the Senate. I had the great opportunity and pleasure of serving four terms in the House of Representatives with Liston Ramsey. He had only served two terms when I came on the scene so my career and his career have paralleled each other to a great extent. We always talk about Liston and the power that he had and the power that he gained as a member of the Legislature and I wondered where that power came from. I once thought it came from the fact that his character, his personal well being, and his love for the people of the mountains, but it also came from his knowledge and his respect of the rules that were written and the unwritten rules and traditions of the Legislature. You know we have a rule book here and they have one in the House and you are supposed to abide by them but there are lots of rules that have grown-up around here over tradition and over the years and those rules are just as important, I say to you, as those rules that are in the book. Liston knew those rules and he expected everyone to know them and abide by them. I was rather amazed to see here that Liston served the longest of anyone of the State's history because if that's correct, then I am serving the second longest of anyone of the State's history and I frankly had not taken the time to look that up and to see that. He and I were good friends and we were always talking about who was going to last the longest, stay around the longest, and that was always done in jest. I hope that whenever I leave here that I will have the respect that he has."

Senator Miller:

"I was elected to the State House in 1992 and at the time I referred to it as my first term. My service in the House ended involuntarily at the 1994 election and I now refer to that as my term. Speaker Ramsey, when I got there was then the former Speaker and his tenure as Speaker had ended also involuntarily. Senator Albertson referred to that, and I think it would have been easy for him to sulk and not be fully engaged. I remember sitting in the Finance Committee and he was front and center, fully engaged and paying attention to every detail of every bill, asking very informed, thoughtful, penetrating questions. I

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remember the amendment that he added to every bill that provided for a board or commission that had more than twelve members and that required that one member of a commission come from each of the State's twelve congressional districts. That amendment which, of course, always passed, that amendment I'm sure deprived a lot of my constituents, Senator Reeve's and my constituents, of seats on the State's Boards and Commissions. That amendment assured that the State government did truly represent the whole State. On the floor he was a good deal less likely to play that role, he did not believe in doing committee work on the floor and there were many times when someone would ask a question that the bill sponsor who did not know the bill as well they should, the bill sponsor would fumble answering questions and there would be more questions and more questions and more fumbled responses and we'd start looking around nervously wondering if the bill was ok and he would speak up and speak as briefly as the advice that he gave Senator Metcalf about running for the Senate. His speech would be, 'Mr. Speaker I think this is a good bill and we ought to support it.' and he would sit down and the whole House would settle right down. That was all they needed to hear. He was a great legislator; he was a great example to any of us in either Chamber, House or Senate, to what our role should be, to how we should behave, to how we should do the people's business. He was an old-fashioned paw and we'd be much better off if there were more like him."

Senator Lee:

"Thank you Madame President and Ladies and Members of the Senate, I met Liston back in 1972 when we were appointed to serve on a committee reorganizing the Democratic Party. I had heard of him and, of course, when we first got on the committee our relationship was a little rocky. He considered me that Wide-Eyed Liberal from Chapel Hill and I considered him that Right-Wing Conservative from the mountains. During the time, we went at each other but over the course of working on that committee, we developed a healthy respect for each other and learned very quickly that we had false impressions of each other from the very beginning. Liston and I developed a very positive relationship and the thing I remember most is how this man could preside over a committee. He understood rules, he understood how to manage a committee, he understood what the goal was, and he very precisely had us on task throughout our efforts. So, when we left that committee we left with a high degree of respect and admiration for what each of us had contributed to our responsibility. I did not see him again until the late 70's when Governor Hunt appointed me to his cabinet and I was assigned to work the Legislature on behalf of the Zoo to try to get an appropriations. That was not fun because I had to come see people like Liston Ramsey and Aaron Plyler and many others who reminded me that the Legislature had made an appropriations to the Zoo early on and that they were promised if that appropriation was made we would never ask again for any more money. We successfully got the funds for the Zoo and I, of course, developed again a strong relationship with Speaker Ramsey. When I came to the Legislature in the early 90's, of course, he had become former Speaker but the admiration which started in the early 70's certainly continued and our relationship with each other grew to be even more positive during the time I served in the Legislature. I think one goal in life we should all have is to try and make a contribution in such a way that will leave behind when we are gone something that will go on forever and that I think that is where life after death is grounded. If that is indeed true, Liston Ramsey will live forever because he has left behind many contributions from which those of us who now live and young people and generations yet unborn will have great benefit to enjoy from his work. I'm delighted to stand in support of the resolution and recommend it to you for consideration."

Senator Plyler:

"Thank you Madame Chairman and Members of the Senate. I knew Liston Ramsey

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for a long, long time. When I first came to the Legislature, I was elected in 1974 and started in 1975, but I remember right after the general election he had an orientation of the House Members over at one of the buildings at the Fairground and the first advice that Liston gave me was, 'Plyler, you are in the House of Representatives now, you be careful about how you commit to people like the Speaker and all. You do not want to get out too early.' Of course, I thought I knew it all at that time which I didn't, but that was good advice. Then I went on and served with Liston for eight years and then he was Speaker and he was always the fairest person that you could find anywhere. He believed in the Legislative process and he followed the Legislative process right down to the end all of the time. He would organize the House in a way that there would be eight cubicles there and each cubicle had a certain group of people that they would talk to. It was certain people in that cubicle who would talk to the other people and when the vote came, it would come the way it should come, the right way, and the way Liston saw it. I served on with him, as many of you have, up until near the time that he passed away, in the sub-committee on General Government and Appropriations. We met there about once a month and Liston would always take a part in it in some way, but noticing him when he was defeated for Speaker he never, like Senator Robinson said, he never did show any part of anger or anything. He just went on about his work and worked hard and tried to do what was best for North Carolina. So I miss Liston. I thought the man was one of the finest men that I have ever known, and I would encourage your support of this resolution."

Senator Rand:

"Mr. Ramsey loved the mountains, he loved his family, he loved the Democratic Party, and loved this institution and he was very important in all of those areas. I was one of the members of the Gang of Eight along with Senator Plyler. I guess we are the last of those, no Representative Nesbitt is still around. But in all of that, you could not be exposed to that and exposed to him for that period of time without understanding the strength of character and the commitment he brought to the process. To him politics was almost a contact sport. He loved it and he went at it as hard as he knew how. He loved the people of North Carolina not as a group but he loved them individually, I think. He really meant for the people of this State to be better off and to be looked after and he was there to make sure that when things were done that they were considered. He was an unusual man, he was a mountain man in every sense of the word and our State owes him a great deal. Thank you Madame President."

Senator Ballance:

"Thank you Madame President. I served with and under the leadership of Liston Ramsey in 1983 and 1985. He was a good man."

Senator Kerr:

"Madame President, as you know, you and I went to the House together and we talk about Ramsey, he loved the members, and he supported the members. You could have the most powerful person in North Carolina in his office and if a member, who was a freshman, a Democrat or Republican, came there and saw Miss Dot, and I would have to say a word about Dot Barber too, you went right into the office and the elegant old lady went outside. So, he not only was loyal to his family and to the people of North Carolina, but he was loyal to the members of this institution. He had a terrific mind, he was not a quitter, and as Charlie said and as everybody has said, ten years after he had a tragic defeat and betrayal he came here and did the job and went to the committees every day, a lot better than some of us do, he was on the front row. When I used to take a bill, when I came to the Senate, to the House Finance Committee and he started asking questions you knew you were in trouble because he was right on the money. His mind was like a steel

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trap and he understood Finance. When I first came here everyone wanted to be on Appropriations. I guess Beverly got on appropriations. He said Kerr, we can always find the fools who can spend money, you need to go to Finance and find out how this institution really ticks because you will enjoy what you've got to learn on Finance, you won't learn it on Appropriations because you have got everybody in the State begging you to death and, of course I said, 'I got all these State institutions and hospitals in my district, I got to be on Appropriations', he said, 'No you're going to Finance', and in the long run it was the best thing he ever did for me. I appreciate that loyalty and that friendship and Dot Barber was certainly a big part of his life as his assistant all through the good times and the tough times and I certainly appreciate what she did and it was a real honor to know that you had a mountain man whose word was his bond and some people I think forgot some things and betrayed him. He never let you know that he held any grudge against anybody and I think this collective Body has summed up the man, as a great man, a friend of mine, and I certainly commend the resolution."

Senator Basnight:

"Thank you Madam President and Members of the Senate. Unfortunately, for all the North Carolinians that are much younger than us, and I say this to all the Pages and all the Pages in this State, and all the people who are in school today, and of a different generation who will never have another Liston Ramsey. North Carolina is the loser because of that. He was so gracious and he was so kind. His persona was much different, he would never have a tie on such as I have on today which happens to be a gift from one of you. He wasn't that flashy, he wasn't the kind of person that when he walked in the room you expected a great deal but when you settled down in the room you learned very quickly that there was a lot to be said and a lot to be heard from. Dot, the first time that you opened the door and allowed me in his office to speak with him is one that I'll treasure forever just as all of you treasure the different moments you had with him and him telling me and explaining me that there wasn't much difference in us than I was a lowlander and he was a highlander, but we needed to remember that all of us were a people that were granted an opportunity that should be given the chance to succeed and not to forget the little person,. Everyone spoke so nicely of that, that he was a man that never forgot and he's a man that we'll never forget. Thank you Martha, thank you Dot, thank you family, thank you mountains."

Senator Webster:

"I met Liston Ramsey after years of hearing things about him from some friends of mine and I learned another lesson from this process: Don't let anybody ever tell you whether the pot is seasoned right, taste it for yourself, and don't ever let other people pick your friends for you. I found Liston Ramsey to be all of the things you said, a man of his word, respectful of other people and he would always help you. I was very fortunate to work with Speaker Ramsey on the Revenue Law Study Commission, and that is where I got to know him and, Martha, I thank you for the opportunity. Otherwise, I'd probably never gotten to know him. I really, really missed him, I tell you, when he wasn't there anymore. Thank you for sharing him with us."

The Committee Substitute joint resolution passes its second reading (49-0) and third reading with members standing and is ordered enrolled.

S.J.R. 1368 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MYRTLE ELEANOR "LULU BELLE" COOPER WISEMAN STAMEY, FORMER MEMBER OF THE GENERAL ASSEMBLY, AND CELEBRATING THE YEAR OF APPALACHIA, placed earlier on today's Calendar.

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Upon motion of Senator Foxx, the Committee Substitute joint resolution is read in its entirety.

Senator Foxx offers Amendment No. 1 which is adopted (44-0).

Upon motion of Senator Albertson, the remarks of Senator Foxx honoring the life and memory of former Member of the General Assembly, Myrtle Eleanor "Lulu Belle" Cooper Wiseman Stamey, are spread upon the Journal, as follows:

Senator Foxx:

"Thank you Madame President. I think the resolution now is a fine resolution for us to send on to these folks who are doing their best to promote economic development in the Appalachian region and the western part of North Carolina. I want to make just a couple of comments about 'Lulu Belle' Weisman Stamey and I have some material that we gathered in preparation for this and I want to share just a couple of comments with you. This is from her obituary which occurred in the *Guardian*. 'Male American country musicians have taken readily to the political campaign trail but one of the few women to take that path, and almost certainly the first to hold office, was Lulu Belle Weisman, a 30's and 40's country radio star who went on to serve two terms as a North Carolina State Representative.' They talk a lot about the role that she played as a perky, sassy, hillbilly gal in gingham and high-laced boots. She really was an extraordinarily fine entertainer. I got a chance to know Lulu Belle when she retired and lived in the mountains when I was President of Mayland Community College. Her second husband, Earnest Stamey, became a really, really good friend of mine through the Rotary Club and Lulu Belle was a terrific person. She was quick to come and join in events, sing an impromptu song, but she was always so positive and upbeat in everything that she did. People admired her tremendously in our area and we were really very, very fortunate to have her come back to the area and be a part of the community along with her second husband and be involved with lots and lots of things that went on there. Mindful of the time today, I am going to cut short my remarks, but I say to you I think it is a very fine thing that we do to honor her memory and to think about again what a terrific role model she was. She left a very, very successful career and came back to the mountains, as many of us wish to do. The mountains have a strong hold on us as the comments about Speaker Ramsey have been made and they did on Lulu Belle, too. I commend the resolution to you."

The Committee Substitute joint resolution, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.J.R. 1469 (Committee Substitute Joint Resolution), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON ON THE 225TH ANNIVERSARY OF HIS BIRTH, placed earlier on today's Calendar.

The Committee Substitute joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1675, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUGH STEWART JOHNSON, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on July 10.

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 Monday, July 29, which motion prevails with unanimous consent.

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The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, July 29.

CALENDAR (*continued*)

S.B. 1161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE.

With unanimous consent, upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 25.

S.B. 1112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUE THE LAW MAKING CERTAIN MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2001, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

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:

H.B. 1661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF LEE TO CONVEY THE GOLDEN POULTRY/GOLD KIST WATER PLANT AND RIVER INTAKE FACILITY AT PRIVATE SALE.

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

Upon motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 5:10 P.M. to meet tomorrow, Thursday, July 25, at 11:15 A.M.

TWO HUNDRED EIGHTH DAY

Senate Chamber
Thursday, July 25, 2002

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, we know it takes courage for the Senators to stand up and speak on unpopular legislation. During the time they are away this weekend, will you also give them the courage to sit down and listen to you regarding these decisions yet to be made in the Senate and their personal lives. Amen."

The Chair grants leaves of absence for today to Senator Ballance and Senator Odom.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday,

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Wednesday, July 24, 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. John Blount III from Salisbury, North Carolina, who is serving the Senate as Doctor of the Day, and to Sharon Pearce from Lexington, 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. 1525 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF RED CROSS, upon third reading.

With unanimous consent, upon motion of Senator Plyler, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 30, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 148, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, referred to the **Agriculture/Environment/Natural Resources Committee** on March 20, 2001.

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 **Finance 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 **Finance Committee**.

ENROLLED BILLS

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

H.B. 1747, AN ACT TO AUTHORIZE THE BOARD OF CHIROPRACTIC EXAMINERS TO COLLECT A FEE FOR THE ANNUAL RECERTIFICATION OF CHIROPRACTIC DIAGNOSTIC IMAGING TECHNICIANS.

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 1526, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LISTON BRYAN RAMSEY, FORMER MEMBER AND SPEAKER OF THE HOUSE OF REPRESENTATIVES. (Res. 6)

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. 1357, AN ACT TO MAKE CHANGES TO DURHAM COUNTY

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OCCUPANCY TAX PROVISIONS. (Became law upon ratification July 24, 2002--S.L.-2002-36.)

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**:

S.B. 1420, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PENALTIES AGAINST IMPROPER AND COERCIVE POLITICAL FUNDRAISING PRACTICES AGAINST STATE EMPLOYEES AND TO APPLY THE LAW TO ALL STATE EMPLOYEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4751, which changes the title to read **S.B. 1420** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PENALTIES AGAINST IMPROPER AND COERCIVE POLITICAL FUND-RAISING PRACTICES AGAINST STATE EMPLOYEES AND TO APPLY THE LAW TO ALL STATE EMPLOYEES, is adopted and engrossed.

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

S.B. 1210, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, TO STUDY ISSUES RELATED TO AND OPTIONS FOR THE MANAGEMENT OF WASTEWATER GENERATED BY WINERIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7802, which changes the title to read **S.B. 1210** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STREAMLINED PROGRAM FOR PERMITTING THE MANAGEMENT OF WINERY WASTEWATER, is adopted and engrossed.

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

S.B. 1252, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6886, which changes the title to read **S.B. 1252** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA, is adopted and engrossed.

CALENDAR *(continued)*

S.J.R. 1473, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES EDWARD TAYLOR, THE WORLD'S FIRST AIRPLANE MECHANIC,

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AND URGING THE CITIZENS OF THIS STATE TO RECOGNIZE MAY 24 OF EACH YEAR AS NORTH CAROLINA AVIATION MAINTENANCE TECHNICIAN DAY IN HONOR OF CHARLES EDWARD TAYLOR AND ALL THE AVIATION MAINTENANCE TECHNICIANS WHO HAVE FOLLOWED IN HIS FOOTSTEPS.

Upon motion of Senator Berger, the rules are suspended, without objection, and the joint resolution is taken up out of its regular order and placed before the Senate for immediate consideration.

Upon motion of Senator Berger, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of Senator Berger and Senator Basnight memorializing Charles Edward Taylor, are spread upon the Journal, as follows:

Senator Berger:

"Thank you Madame President. You know one of the great things about serving in the Senate is we learn a lot about North Carolina history that we didn't know about before and Charles Edward Taylor is probably one of the more significant people that most of us have never heard of. He is the third person that is significant in the Wright Brothers' Flight. Everybody knows about Orville and Wilbur, but nobody really knows about the individual that actually built the engine that powered the airplane that took that first historic flight. Charles Taylor was born in Illinois and his family moved to Nebraska when he was very young. He quit school at age 12 and found that he could work with his hands and tools very well. He got a job in a bicycle shop when he moved to Ohio and it happened that the owners of that bicycle shop were Wilbur and Orville Wright and they were in the process of making trips to a place near Kitty Hawk, North Carolina testing a glider. Before Charles Edward Taylor came along, the Wright brothers were glider pilots. After he worked with them and built their engine, they were airplane pilots. I think Mr. Taylor was very significant in the life of North Carolina, in the life of our nation, and it is a fitting thing that we honor him with this resolution. He died in 1956. Federal Aviation Administration recognizes and honors Mr. Taylor with an award to individuals who work in aviation mechanics or maintenance and that award is called the Charles Edward Taylor Master Mechanic Award. That award is issued to mechanics and repairman who have worked in aviation for at least fifty years and of those fifty years at least thirty of those years the applicant has to be an FAA mechanic or repairman with a certification. We have some gentlemen here that are interested in flight and interested in aviation mechanics, and I understand the Lieutenant Governor will recognize those gentlemen after the resolution is voted on. I do urge your support of the resolution.

Senator Basnight:

"Thank you Madame President and Members of the Senate. Thank you Senator Berger and Senator Carpenter for bringing this resolution to the Senate today to honor, obviously, someone who made a huge contribution to flight that day. Without his knowledge of making things work with an engine that had to be awfully light at the time, the brothers would not have flown. It would have happened to someone else somewhere else and not in Kitty Hawk. It's rare that we give much recognition to this effort, the first flight, in North Carolina. I kind of look around here and I don't even know if there is a picture of the first flight in Raleigh anywhere. We had some initiative at one time to maybe give some recognition to that famous day in 1903 and maybe that'll still happen. But, bringing this forward is fantastic and I salute you and thank Charles Taylor for what he did.

The joint resolution passes its second reading (47-0) and third readings and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Berger, the President extends the courtesies of the gallery to

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Phil Randall, Manager Aviation Safety Program-FAA; Tim McQuain, Director of Aircraft Maintenance-Richard Childress Racing Team; Tim Luckwaldt, Aircraft Maintenance Supervisor-NCDOT Division of Aviation; and John W. Sutherland, Aircraft Maintenance Inspection Supervisor-TIMCO.

H.B. 1615, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CHINA GROVE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, 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 bill is ordered enrolled.

H.B. 1684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, 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 Committee Substitute bill is ordered enrolled.

H.B. 1690 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CANDOR, AND OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, 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 Committee Substitute bill is ordered enrolled.

H.B. 1589, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF PRINCETON, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Bingham,

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Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, 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 bill remains on the Calendar for Monday, July 29, upon third reading.

S.B. 1241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM.

With unanimous consent, upon motion of Senator Gulley, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 30.

S.B. 1219 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISSOLUTION OF THE GASTONIA POLICEMEN'S SUPPLEMENTARY PENSION FUND.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1336 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1350 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROHIBITION AGAINST HUNTING FROM THE RIGHT-OF-WAY IN HARNETT COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1351, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REGULATING FOXHUNTING IN HARNETT COUNTY.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 1219 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ROCKINGHAM TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS IN THAT CITY.

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

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H.B. 1637 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE MEDICAL CENTER TO USE ATTACHMENT AND GARNISHMENT PROCEDURES FOR COLLECTING UNPAID BILLS.

Senator Gulley offers a motion that the Committee Substitute bill be withdrawn from today's Calendar and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

H.B. 1484, A BILL TO BE ENTITLED AN ACT REPEALING THE SECTION OF THE CHARTER OF THE CITY OF TRINITY THAT PROHIBITS THE CITY COUNCIL FROM HOLDING CLOSED SESSIONS AS AUTHORIZED UNDER THE GENERAL LAW.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1486, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE VICINITY OF THE ROANOKE RIVER BRIDGE ON HIGHWAY 17 IN BERTIE COUNTY.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1599 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE COMPOSITION OF THE TOWN OF ANGIER BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1607, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LINCOLNTON FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1666, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1683, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE SEVEN SEPARATE SEATS ON THE WAYNE COUNTY BOARD OF COMMISSIONERS.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1698, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF CULTURAL RESOURCES TO ERECT A SECOND HISTORICAL MARKER COMMEMORATING AN INDIVIDUAL.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1723 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH A TRUST FUND SPECIFICALLY AUTHORIZED BY STATUTE TO BE CREATED BY A CITY UPON CONDITION THAT THE TOWN APPROPRIATES ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OR PURPOSES FOR WHICH THE FUND WAS ESTABLISHED.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1646 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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GRANT ARREST POWERS TO THE TOWN OF ROWLAND IN CERTAIN AREAS.

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

S.B. 1367 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BERTIE, COLUMBUS, AND GREENE COUNTIES MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 1161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, upon second reading.

Senator Wellons offers Amendment No. 1 which is adopted (48-0).

Having voted with the majority, Senator Rand offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered to allow a technical correction to be made in the Amendment, which motion prevails.

Senator Wellons offers Amendment No. 1 which is adopted (48-0).

Senator Hartsell offers Amendment No. 2 which is adopted (48-0).

The 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, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: Senator Gulley—1.

The Committee Substitute bill, as amended, remains on the Calendar for Monday, July 29, upon third reading.

S.B. 1253 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN ANIMAL WASTE MANAGEMENT SYSTEMS SHALL NOT QUALIFY FOR SPECIAL PROPERTY CLASSIFICATION AND EXCLUSION FROM THE TAX BASE PURSUANT TO G.S. 105-275(8) AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY ISSUES RELATED TO THE TAX EXCLUSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, 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, remains on the Calendar for Monday, July 29, upon third reading.

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S.B. 1407 (Committee Substitute). A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONTRACT RIGHT REGARDING THE TIMING OF PAYMENTS UNDER CONTRACTS REQUIRING REIMBURSEMENT OF FEDERAL FUEL EXCISE TAXES AND TO MAKE VARIOUS MOTOR FUEL EXCISE TAX CHANGES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, 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 remains on the Calendar for Monday, July 29, upon third reading.

S.B. 1416 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE LOW-INCOME HOUSING TAX CREDIT BY MAKING IT SIMPLER AND LESS COSTLY WHILE PROVIDING THE SAME LEVEL OF INCENTIVES FOR THE CONSTRUCTION OF LOW-INCOME HOUSING AND TO MODIFY THE FORMULA FOR CALCULATING NORTH CAROLINA ESTATE TAX ON ESTATES WITH PROPERTY IN MORE THAN ONE STATE, upon second reading.

Without objection, Senator Harris requests to be excused from voting on the bill due to a conflict of interest.

Senator Kerr offers Amendment No. 1 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, 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, as amended, remains on the Calendar for Monday, July 29, upon third reading.

H.B. 522 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CREATION OF COUNTY ECONOMIC DEVELOPMENT AUTHORITIES AND TO INCREASE THE ANNUAL PER DIEM FOR WATER AND SEWER AUTHORITY MEMBERS.

With unanimous consent, upon motion of Senator Shaw of Cumberland, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 29.

The Senate recesses at 12:30 P.M. for the purpose of a **Finance Committee** meeting and a **State and Local Government Committee** meeting, to reconvene at 12:40 P.M.

RECESS

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

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

ENROLLED BILLS

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

S.B. 1112, AN ACT TO CONTINUE THE LAW MAKING CERTAIN MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2001.

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1368, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MYRTLE ELEANOR "LULU BELLE" COOPER WISEMAN STAMEY, FORMER MEMBER OF THE GENERAL ASSEMBLY, AND CELEBRATING THE YEAR OF APPALACHIA. (Res. 7)

CALENDAR *(continued)*

S.B. 1170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING ADDITIONAL METHODS FOR BIDDING ON PUBLIC PROCUREMENT CONTRACTS.

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

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 Robinson for the **State and Local Government Committee**:

H.B. 1629, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF THOMASVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, with a favorable report.

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

S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STREAMLINED PROGRAM FOR PERMITTING THE MANAGEMENT OF WINERY WASTEWATER, with a favorable report.

Upon motion of Senator Kerr, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

H.B. 148, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, 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.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 5419, which changes the title to read **H.B. 148** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MORE THAN TWO NONPROFIT WATER CORPORATIONS TO JOIN CERTAIN WATER AND SEWER AUTHORITIES, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1245 (Senate Committee Substitute), 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.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 29.

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

S.B. 1455 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD, TO PROHIBIT THE STATE FROM CONTRACTING WITH BUSINESSES THAT HAVE ANY OFFICERS OR DIRECTORS WHO HAVE BEEN CONVICTED OF SECURITIES FRAUD, AND TO PROHIBIT THE STATE FROM CONTRACTING WITH VENDORS THAT ARE INCORPORATED IN A TAX HAVEN COUNTRY BUT THE UNITED STATES IS THE PRINCIPAL MARKET FOR THE PUBLIC TRADING OF THEIR CORPORATION'S STOCK.

The Committee Substitute bill No. 3 passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1308 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFIRM THE DATE ON WHICH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE BECOMES EFFECTIVE AND TO PROVIDE THAT GASOLINE THAT MEETS FEDERAL REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE DURING THE TWO-YEAR PERIOD ALLOWED FOR THE TRANSITION TO LOW-SULFUR GASOLINE BY FEDERAL REGULATIONS.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives 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. 759** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY, submits for adoption the following report:

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

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The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 759 A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY, House Committee Substitute Favorable 5/22/01, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 5/22/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 5/22/01, and substitute the attached Proposed Conference Committee Substitute S759-CCSSL-3[v.6].

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

Date conferees approved report: July 24, 2002.

Conferees for the Senate

S/Wib Gulley, Chair
S/Walter H. Dalton
S/Daniel G. Clodfelter
S/Stan Bingham

Conferees for the House of Representatives

S/Joe Hackney, Chair
S/Drew P. Saunders
S/E. Nelson Cole
S/ David M. Miner
S/Jennifer Weiss

The text of the attached Proposed Conference Committee Substitute bill S759-CCSSL-3[v.6] is as follows:

A BILL TO BE ENTITLED
AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY.
The General Assembly of North Carolina enacts:

SECTION 1. Article 26 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-626. Limitations on rail transportation liability.

(a) As used in this section:

- (1) 'Claim' means a claim, action, suit, or request for damages, whether compensatory, punitive, or otherwise, made by any person or entity against:**
- a. The Authority, a railroad, or an operating rights railroad; or**
- b. An officer, director, trustee, employee, parent, subsidiary, or affiliated corporation as defined in G.S. 105-130.6, or agent of: the Authority, a railroad, or an operating rights railroad.**
- (2) 'Passenger rail services' means the transportation of rail passengers by or on behalf of the Authority and all services performed by a railroad pursuant to a contract with the Authority in connection with the transportation of rail passengers, including, but not limited to, the operation of trains; the use of right of way, trackage, public or private roadway and rail crossings, equipment, or station areas or appurtenant facilities; the design, construction, reconstruction, operation, or maintenance of rail-related equipment, tracks, and any**

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appurtenant facilities; or the provision of access rights over or adjacent to lines owned by the Authority or a railroad, or otherwise occupied by the Authority or a railroad, pursuant to charter grant, fee-simple deed, lease, easement, license, trackage rights, or other form of ownership or authorized use.

(3) 'Railroad' means a railroad corporation or railroad company, including a State-Owned Railroad Company as defined in G.S. 124-11, that has entered into any contracts or operating agreements of any kind with the Authority concerning passenger rail services.

(4) 'Operating rights railroad' means a railroad corporation or railroad company that, prior to January 1, 2001, was granted operating rights by a State-Owned Railroad Company or operated over the property of a State-Owned Railroad Company under a claim of right over or adjacent to facilities used by or on behalf of the Authority.

(b) Contracts Allocating Financial Responsibility Authorized. — The Authority may contract with any railroad to allocate financial responsibility for passenger rail services claims, including, but not limited to, the execution of indemnity agreements, notwithstanding any other statutory, common law, public policy, or other prohibition against same, and regardless of the nature of the claim or the conduct giving rise to such claim.

(c) Insurance Required. —

(1) If the Authority enters into any contract authorized by subsection (b) of this section, the contract shall require the Authority to secure and maintain, upon and after the commencement of the operation of trains by or on behalf of the Authority, a liability insurance policy covering the liability of the parties to the contract, a State-Owned Railroad Company as defined in G.S. 124-11 that owns or claims an interest in any real property subject to the contract, and any operating rights railroad for all claims for property damage, personal injury, bodily injury, and death arising out of or related to passenger rail services. The policy shall name the parties to the contract, a State-Owned Railroad Company as defined in G.S. 124-11 that owns or claims an interest in any real property subject to the contract, and any operating rights railroad as named insureds and shall have policy limits of not less than two hundred million dollars (\$200,000,000) per single accident or incident, and may include a self-insured retention in an amount of not more than five million dollars (\$5,000,000).

(2) If the Authority does not enter into any contract authorized by subsection (b) of this section, upon and after the commencement of the operation of trains by or on behalf of the Authority, the Authority shall secure and maintain a liability insurance policy, with policy limits and a self-insured retention consistent with subdivision (1) of this subsection, for all claims for property damage, personal injury, bodily injury, and death arising out of or related to passenger rail services.

(d) Liability Limit. — The aggregate liability of the Authority, the parties to the contract or contracts authorized by subsection (b) of this section, a State-Owned Railroad Company as defined in G.S. 124-11, and any operating rights railroad for all

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claims arising from a single accident or incident related to passenger rail services for property damage, personal injury, bodily injury, and death is limited to two hundred million dollars (\$200,000,000) per single accident or incident or to any proceeds available under any insurance policy secured pursuant to subsection (c) of this section, whichever is greater.

(e) Effect on Other Laws. — This section shall not affect the damages that may be recovered under the Federal Employers' Liability Act, 45 U.S.C. § 51, et seq., (1908); or under Article 1 of Chapter 97 of the General Statutes."

SECTION 2. Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-279. Limitations on rail transportation liability.

(a) As used in this section:

- (1) 'Claim' means a claim, action, suit, or request for damages, whether compensatory, punitive, or otherwise, made by any person or entity against:
 - a. The County, a railroad, or an operating rights railroad;
or
 - b. An officer, director, trustee, employee, parent, subsidiary, or affiliated corporation as defined in G.S. 105-130.6, or agent of: the County, a railroad, or an operating rights railroad.
- (2) 'Passenger rail services' means the transportation of rail passengers by or on behalf of the County and all services performed by a railroad pursuant to a contract with the County in connection with the transportation of rail passengers, including, but not limited to, the operation of trains; the use of right-of-way, trackage, public or private roadway and rail crossings, equipment, or station areas or appurtenant facilities; the design, construction, reconstruction, operation, or maintenance of rail-related equipment, tracks, and any appurtenant facilities; or the provision of access rights over or adjacent to lines owned by the County or a railroad, or otherwise occupied by the County or a railroad, pursuant to charter grant, fee-simple deed, lease, easement, license, trackage rights, or other form of ownership or authorized use.
- (3) 'Railroad' means a railroad corporation or railroad company, including a State-Owned Railroad Company as defined in G.S. 124-11, that has entered into any contracts or operating agreements of any kind with the County concerning passenger rail services.
- (4) 'Operating rights railroad' means a railroad corporation or railroad company that, prior to January 1, 2001, was granted operating rights by a State-Owned Railroad Company or operated over the property of a State-owned railroad company under a claim of right over or adjacent to facilities used by or on behalf of the County.

(b) Contracts Allocating Financial Responsibility Authorized. – The County may contract with any railroad to allocate financial responsibility for passenger rail services claims, including, but not limited to, the execution of indemnity agreements, notwithstanding any other statutory, common law, public policy, or other prohibition against same, and regardless of the nature of the claim or the conduct giving rise to such claim.

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(c) Insurance Required. –

- (1) If the County enters into any contract authorized by subsection (b) of this section, the contract shall require the County to secure and maintain, upon and after the commencement of the operation of trains by or on behalf of the county, a liability insurance policy covering the liability of the parties to the contract, a State-Owned Railroad Company as defined in G.S. 124-11 that owns or claims an interest in any real property subject to the contract, and any operating rights railroad for all claims for property damage, personal injury, bodily injury, and death arising out of or related to passenger rail services. The policy shall name the parties to the contract, a State-Owned Railroad Company as defined in G.S. 124-11 that owns or claims an interest in any real property subject to the contract, and any operating rights railroad as named insureds and shall have policy limits of not less than two hundred million dollars (\$200,000,000) per single accident or incident, and may include a self-insured retention in an amount of not more than five million dollars (\$5,000,000).
- (2) If the County does not enter into any contract authorized by subsection (b) of this section, upon and after the commencement of the operation of trains by or on behalf of the County, the County shall secure and maintain a liability insurance policy, with policy limits and a self-insured retention consistent with subdivision (1) of this subsection, for all claims for property damage, personal injury, bodily injury, and death arising out of or related to passenger rail services.

(d) Liability Limit. – The aggregate liability of the County, the parties to the contract or contracts authorized by subsection (b) of this section, a State-Owned Railroad Company as defined in G.S. 124-11, and any operating rights railroad for all claims arising from a single accident or incident related to passenger rail services for property damage, personal injury, bodily injury, and death is limited to two hundred million dollars (\$200,000,000) per single accident or incident or to any proceeds available under any insurance policy secured pursuant to subsection (c) of this section, whichever is greater.

(e) Effect on Other Laws. – This section shall not affect the damages that may be recovered under the Federal Employers' Liability Act, 45 U.S.C. § 51, et seq., (1908); or under Article 1 of Chapter 97 of the General Statutes.

(f) Applicability. – This section shall apply only to counties that have entered into a transit governance interlocal agreement with, among other local governments, a city with a population of more than 500,000 persons."

SECTION 3. Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-326. Limitations on rail transportation liability.

(a) As used in this section:

- (1) 'Claim' means a claim, action, suit, or request for damages, whether compensatory, punitive, or otherwise, made by any person or entity against:
- a. The City, a railroad, or an operating rights railroad; or
 - b. An officer, director, trustee, employee, parent, subsidiary, or affiliated corporation as defined in G.S. 105-130.6, or agent of: the City, a railroad, or an operating rights railroad.
- (2) 'Passenger rail services' means the transportation of rail

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passengers by or on behalf of the City and all services performed by a railroad pursuant to a contract with the City in connection with the transportation of rail passengers, including, but not limited to, the operation of trains; the use of right-of-way, trackage, public or private roadway and rail crossings, equipment, or station areas or appurtenant facilities; the design, construction, reconstruction, operation, or maintenance of rail-related equipment, tracks, and any appurtenant facilities; or the provision of access rights over or adjacent to lines owned by the City or a railroad, or otherwise occupied by the City or a railroad, pursuant to charter grant, fee-simple deed, lease, easement, license, trackage rights, or other form of ownership or authorized use.

- (3) 'Railroad' means a railroad corporation or railroad company, including a State-Owned Railroad Company as defined in G.S. 124-11, that has entered into any contracts or operating agreements of any kind with the City concerning passenger rail services.
- (4) 'Operating rights railroad' means a railroad corporation or railroad company that, prior to January 1, 2001, was granted operating rights by a State-Owned Railroad Company or operated over the property of a State-Owned Railroad Company under a claim of right over or adjacent to facilities used by or on behalf of the City.

(b) Contracts Allocating Financial Responsibility Authorized. – The City may contract with any railroad to allocate financial responsibility for passenger rail services claims, including, but not limited to, the execution of indemnity agreements, notwithstanding any other statutory, common law, public policy, or other prohibition against same, and regardless of the nature of the claim or the conduct giving rise to such claim.

(c) Insurance Required. –

- (1) If the City enters into any contract authorized by subsection (b) of this section, the contract shall require the City to secure and maintain, upon and after the commencement of the operation of trains by or on behalf of the City, a liability insurance policy covering the liability of the parties to the contract, a State-Owned Railroad Company as defined in G.S. 124-11 that owns or claims an interest in any real property subject to the contract, and any operating rights railroad for all claims for property damage, personal injury, bodily injury, and death arising out of or related to passenger rail services. The policy shall name the parties to the contract, a State-Owned Railroad Company as defined in G.S. 124-11 that owns or claims an interest in any real property subject to the contract, and any operating rights railroad as named insureds and shall have policy limits of not less than two hundred million dollars (\$200,000,000) per single accident or incident, and may include a self-insured retention in an amount of not more than five million dollars (\$5,000,000).
- (2) If the City does not enter into any contract authorized by subsection (b) of this section, upon and after the commencement of the operation of trains by or on behalf of the City, the City shall secure and maintain a liability insurance policy, with policy

limits and a self-insured retention consistent with subdivision (1) of this subsection, for all claims for property damage, personal injury, bodily injury, and death arising out of or related to passenger rail services.

(d) Liability Limit. – The aggregate liability of the City, the parties to the contract or contracts authorized by subsection (b) of this section, a State-Owned Railroad Company as defined in G.S. 124-11, and any operating rights railroad for all claims arising from a single accident or incident related to passenger rail services for property damage, personal injury, bodily injury, and death is limited to two hundred million dollars (\$200,000,000) per single accident or incident or to any proceeds available under any insurance policy secured pursuant to subsection (c) of this section, whichever is greater.

(e) Effect on Other Laws. – This section shall not affect the damages that may be recovered under the Federal Employers' Liability Act, 45 U.S.C. § 51, et seq., (1908); or under Article 1 of Chapter 97 of the General Statutes.

(f) Applicability. – This section shall apply only to municipalities with a population of more than 500,000 persons, according to the latest decennial census, or to municipalities that have entered into a transit governance interlocal agreement with among other local governments, a city with a population of more than 500,000 persons."

SECTION 4. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

SECTION 5. This act is effective when it becomes law.

The Conference Report is placed on the Calendar for Monday, June 29, for adoption.

CALENDAR *(continued)*

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

Upon motion of Senator Rand, the President orders, without objection, the bill temporarily displaced.

H.B. 1552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DELAY THE EFFECTIVE DATE OF THE LOCKSMITH LICENSING ACT AND TO ALLOW THE LOCKSMITH LICENSING BOARD TO ADOPT TEMPORARY RULES.

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

S.B. 1210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STREAMLINED PROGRAM FOR PERMITTING THE MANAGEMENT OF WINERY WASTEWATER, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO

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PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, temporarily displaced earlier.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 29.

Upon motion of Senator Basnight, seconded by Senator Harris, the Senate adjourns at 1:23 P.M. to meet Monday, July 29, at 7:15 P.M.

TWO HUNDRED NINTH DAY

Senate Chamber
Monday, July 29, 2002

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:

"Gracious God, we are thankful for the heartwarming story of the successful rescue of nine miners over the weekend.

"Like them, every one of us needs a renewal of hope, of expectation and trust that your light will illuminate our work this week.

"Give us patience, as with hope, we wait for what we do not see, the fulfillment of your promises and plans in all that we do. Amen."

The Chair grants leaves of absence for tonight to Senator Ballance and Senator Odom.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, July 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 Dr. Daniel Jobe from Jamestown, North Carolina, who is serving the Senate as Doctor of the Day, and to Holli Hoffman from West End, 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:

H.B. 1552, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DELAY THE EFFECTIVE DATE OF THE LOCKSMITH LICENSING ACT AND TO ALLOW THE LOCKSMITH LICENSING BOARD TO ADOPT TEMPORARY RULES.

The Enrolling Clerk reports the following bills and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 1484, AN ACT REPEALING THE SECTION OF THE CHARTER OF THE CITY OF TRINITY THAT PROHIBITS THE CITY COUNCIL FROM HOLDING

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CLOSED SESSIONS AS AUTHORIZED UNDER THE GENERAL LAW.

H.B. 1486, AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE VICINITY OF THE ROANOKE RIVER BRIDGE ON HIGHWAY 17 IN BERTIE COUNTY.

H.B. 1599, AN ACT TO CHANGE THE COMPOSITION OF THE TOWN OF ANGIER BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

H.B. 1607, AN ACT TO REPEAL THE LINCOLNTON FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

H.B. 1615, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CHINA GROVE.

H.B. 1666, AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

H.B. 1683, AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE SEVEN SEPARATE SEATS ON THE WAYNE COUNTY BOARD OF COMMISSIONERS.

H.B. 1684, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE.

H.B. 1690, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CANDOR, AND OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD.

H.B. 1698, AN ACT AUTHORIZING THE DEPARTMENT OF CULTURAL RESOURCES TO ERECT A SECOND HISTORICAL MARKER COMMEMORATING AN INDIVIDUAL.

H.B. 1723, AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH A TRUST FUND SPECIFICALLY AUTHORIZED BY STATUTE TO BE CREATED BY A CITY UPON CONDITION THAT THE TOWN APPROPRIATES ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OR PURPOSES FOR WHICH THE FUND WAS ESTABLISHED.

S.J.R. 1473, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES EDWARD TAYLOR, THE WORLD'S FIRST AIRPLANE MECHANIC, AND URGING THE CITIZENS OF THIS STATE TO RECOGNIZE MAY 24 OF EACH YEAR AS NORTH CAROLINA AVIATION MAINTENANCE TECHNICIAN DAY IN HONOR OF CHARLES EDWARD TAYLOR AND ALL THE AVIATION MAINTENANCE TECHNICIANS WHO HAVE FOLLOWED IN HIS FOOTSTEPS. (Res. 8)

INTRODUCTION OF A JOINT RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

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By Senators Plyler and Purcell:

S.J.R. 1476, A JOINT RESOLUTION HONORING THE MEMORY OF J.W. MARSH ON THE OCCASION OF THE TOWN OF MARSHVILLE'S ONE HUNDRED TWENTY-FIFTH ANNIVERSARY.

Referred to **Rules and Operations of the Senate Committee**.

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:

H.B. 1670 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH, SET, OR MODIFY VARIOUS FEES.

Referred to **Finance Committee**.

H.B. 1745, A BILL TO BE ENTITLED AN ACT TO REMOVE THE 300 PLATE REQUIREMENT FROM SPECIAL LICENSE PLATES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS' PLATES.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

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 Number 23, Amending Executive Order Number 7 Concerning Teacher Advisory Committee.

Executive Order Number 24, Accelerating Teacher Recruitment and Hiring For *More At Four* and Class Size Reduction In Light of Judicial Requirements, Budget Developments, and Impending School Openings.

Executive Order Number 25, North Carolina Showcase State Partnership for Natural Disaster Resistance and Resilience.

CALENDAR

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

S.B. 1252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA, upon second reading.

With unanimous consent, upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 30, upon second reading.

H.B. 522 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CREATION OF COUNTY ECONOMIC DEVELOPMENT AUTHORITIES AND TO INCREASE THE ANNUAL PER DIEM FOR WATER AND SEWER AUTHORITY MEMBERS, upon second reading.

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With unanimous consent, upon motion of Senator Shaw of Cumberland, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 30, upon second reading.

H.J.R. 1675, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUGH STEWART JOHNSON, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY.

Senator Rand offers a motion that the joint resolution be taken up out of its regular order of business and placed before the Senate for immediate consideration, which motion prevails.

Upon motion of Senator Albertson, the joint resolution is read in its entirety.

The joint resolution passes its second reading (47-0) and third reading with members standing, and is ordered enrolled.

The Chair extends the courtesies of the gallery to family and friends of Hugh Stewart Johnson, Jr.

H.B. 1589, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF PRINCETON, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, 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 bill is ordered enrolled.

H.B. 1629, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF THOMASVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

The bill passes its second and third readings and is ordered enrolled.

S.B. 1161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES AND TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, 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 Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1253 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN ANIMAL WASTE MANAGEMENT SYSTEMS SHALL NOT QUALIFY FOR SPECIAL PROPERTY CLASSIFICATION AND EXCLUSION

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FROM THE TAX BASE PURSUANT TO G.S. 105-275(8) AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY ISSUES RELATED TO THE TAX EXCLUSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, 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 Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONTRACT RIGHT REGARDING THE TIMING OF PAYMENTS UNDER CONTRACTS REQUIRING REIMBURSEMENT OF FEDERAL FUEL EXCISE TAXES AND TO MAKE VARIOUS MOTOR FUEL EXCISE TAX CHANGES, 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, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, 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 sent to the House of Representatives.

S.B. 1416 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE LOW-INCOME HOUSING TAX CREDIT BY MAKING IT SIMPLER AND LESS COSTLY WHILE PROVIDING THE SAME LEVEL OF INCENTIVES FOR THE CONSTRUCTION OF LOW-INCOME HOUSING AND TO MODIFY THE FORMULA FOR CALCULATING NORTH CAROLINA ESTATE TAX ON ESTATES WITH PROPERTY IN MORE THAN ONE STATE, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, 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, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1420 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PENALTIES AGAINST IMPROPER AND COERCIVE

POLITICAL FUND-RAISING PRACTICES AGAINST STATE EMPLOYEES AND TO APPLY THE LAW TO ALL STATE EMPLOYEES.

The Committee Substitute bill passes its second reading (48-0).

Senator Foxx objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, July 30.

H.B. 148 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MORE THAN TWO NONPROFIT WATER CORPORATIONS TO JOIN CERTAIN WATER AND SEWER AUTHORITIES.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1245 (Senate Committee Substitute), 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, as amended upon second reading.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Monday, August 5.

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, with Amendment No. 1 pending.

Senator Webster offers Amendment No. 2 as a substitute amendment for Amendment No. 1.

Senator Rand offers a motion that Amendment No. 2 lie upon the table, seconded by Senator Dalton.

Senator Webster calls for the ayes and noes on the motion to table Amendment No. 2.

The motion to table Amendment No. 2 prevails (30-16) as follows:

Voting in the affirmative: Senators Albertson, Basnight, Carter, Clark, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Kerr, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—30.

Voting in the negative: Senators Allran, Ballantine, Bingham, Carpenter, Carrington, Clodfelter, Forrester, Foxx, Garwood, Hartsell, Horton, Kinnaird, Moore, Rucho, Shaw of Guilford and Webster—16.

Senator Rand offers a motion that pending Amendment No.1 lie upon the table, seconded by Senator Dalton.

The motion prevails (33-12) and Amendment No. 1 lies upon the table.

Senator Kerr offers Amendment No. 3 which is adopted (47-0), and changes the title to read **H.B. 1492**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, AND TO DESIGNATE INTERSTATE HIGHWAY 95 AS THE PURPLE HEART MEMORIAL HIGHWAY.

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The bill, as amended, passes its second reading (38-9).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure, as amended, placed on the Calendar for tomorrow, Tuesday, July 30.

S.B. 759 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY, for adoption.

Upon motion of Senator Gulley, the Conference Report is adopted (47-0). A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

S.B. 1281, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW, referred to the **Rules and Operations of the Senate Committee** on June 10.

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 **Judiciary I 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 **Judiciary I Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message received 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. 1292 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE ADDITIONAL LOCAL OPTION SALES TAX, THE REPEAL OF REIMBURSEMENTS, AND THE DECREASE IN THE STATE SALES TAX RATE; TO PROVIDE NO HOLD HARMLESS PAYMENTS IN THE 2002-2003 FISCAL YEAR OTHER THAN A PAYMENT EQUAL TO THE EXCESS, IF ANY, OF A LOCAL GOVERNMENT'S REPEALED REIMBURSEMENT AMOUNT OVER THREE TIMES IT'S ESTIMATED PROCEEDS FROM THE NEW TAX; TO DELAY THE INCREASE IN THE CHILD TAX CREDIT BY ONE YEAR; TO DELAY THE INCREASE IN THE STANDARD DEDUCTION FOR MARRIED PERSONS BY ONE YEAR; TO UPDATE THE REFERENCE DATE TO THE INTERNAL REVENUE CODE USED TO DEFINE AND DETERMINE CERTAIN STATE TAX PROVISIONS; TO CONFORM TO THE FEDERAL ANNUAL EXCLUSION AMOUNT FOR GIFT TAXES; TO DELAY THE EFFECT OF ACCELERATED DEPRECIATION UNDER SECTION 168 OF THE CODE AND SECTION 1400L OF THE CODE; TO DISREGARD THE PHASE-OUT OF THE STATE DEATH TAX CREDIT UNDER THE CODE; TO ALLOW THE SECRETARY OF REVENUE TO RECOUP A PORTION OF THE COSTS OF ADMINISTERING THE UNAUTHORIZED SUBSTANCES TAX FROM LOCAL SALES AND USE TAX DISTRIBUTIONS; TO SET THE INSURANCE REGULATORY FEE AND THE PUBLIC UTILITY REGULATORY FEES; TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR; TO CONFORM THE DEFINITION OF BUSINESS INCOME TO FEDERAL STANDARDS; TO PROVIDE THAT IN APPORTIONING CORPORATE INCOME TO THIS STATE FOR INCOME TAX PURPOSES, SALES OF TANGIBLE PERSONAL PROPERTY IN ANOTHER STATE OR COUNTRY WHERE THE SALES ARE NOT TAXABLE ARE NOT CONSIDERED; TO CLOSE A LOOPHOLE IN THE 2001 LEGISLATION INTENDED

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TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO AVOID FRANCHISE TAX LIABILITY BY TRANSFERRING ASSETS TO A LIMITED LIABILITY COMPANY; AND TO ENLARGE THE CLASS OF TAXPAYERS ELIGIBLE FOR AN ENHANCED CREDIT FOR INVESTING IN LOW-INCOME HOUSING IN A COUNTY THAT SUSTAINED SEVERE OR MODERATE DAMAGE FROM A HURRICANE IN 1999, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill No. 2 is placed on tonight's Calendar, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Hoyle, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-47).

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

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1292 (House Committee Substitute No. 2). A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE ADDITIONAL LOCAL OPTION SALES TAX, THE REPEAL OF REIMBURSEMENTS, AND THE DECREASE IN THE STATE SALES TAX RATE; TO PROVIDE NO HOLD HARMLESS PAYMENTS IN THE 2002-2003 FISCAL YEAR OTHER THAN A PAYMENT EQUAL TO THE EXCESS, IF ANY, OF A LOCAL GOVERNMENT'S REPEALED REIMBURSEMENT AMOUNT OVER THREE TIMES IT'S ESTIMATED PROCEEDS FROM THE NEW TAX; TO DELAY THE INCREASE IN THE CHILD TAX CREDIT BY ONE YEAR; TO DELAY THE INCREASE IN THE STANDARD DEDUCTION FOR MARRIED PERSONS BY ONE YEAR; TO UPDATE THE REFERENCE DATE TO THE INTERNAL REVENUE CODE USED TO DEFINE AND DETERMINE CERTAIN STATE TAX PROVISIONS; TO CONFORM TO THE FEDERAL ANNUAL EXCLUSION AMOUNT FOR GIFT TAXES; TO DELAY THE EFFECT OF ACCELERATED DEPRECIATION UNDER SECTION 168 OF THE CODE AND SECTION 1400L OF THE CODE; TO DISREGARD THE PHASE-OUT OF THE STATE DEATH TAX CREDIT UNDER THE CODE; TO ALLOW THE SECRETARY OF REVENUE TO RECOUP A PORTION OF THE COSTS OF ADMINISTERING THE UNAUTHORIZED SUBSTANCES TAX FROM LOCAL SALES AND USE TAX DISTRIBUTIONS; TO SET THE INSURANCE REGULATORY FEE AND THE PUBLIC UTILITY REGULATORY FEES; TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR; TO CONFORM THE DEFINITION OF BUSINESS INCOME TO FEDERAL STANDARDS; TO PROVIDE THAT IN APPORTIONING CORPORATE INCOME TO THIS STATE FOR INCOME TAX PURPOSES, SALES OF TANGIBLE PERSONAL PROPERTY IN ANOTHER STATE OR COUNTRY WHERE THE SALES ARE NOT TAXABLE ARE NOT CONSIDERED; TO CLOSE A LOOPHOLE IN THE 2001 LEGISLATION INTENDED TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO AVOID FRANCHISE TAX LIABILITY BY TRANSFERRING ASSETS TO A LIMITED LIABILITY COMPANY; AND TO ENLARGE THE CLASS OF TAXPAYERS ELIGIBLE FOR AN ENHANCED CREDIT FOR INVESTING IN LOW-INCOME HOUSING IN A COUNTY THAT SUSTAINED SEVERE OR MODERATE DAMAGE FROM A HURRICANE IN 1999.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for Senate Bill 1292 earlier tonight and the motion by Senator Hoyle to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the

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appointment of Senator Hoyle and Senator Kerr, Co-Chairs; and Senator Ballance; Senator Clodfelter; Senator Garrou; Senator Hagan; Senator Lee; Senator Odom; Senator Plyler; Senator Rand; Senator Soles; Senator Thomas; 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 and requesting conferees.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Jordan Alston, Henderson; Micah Bodford, Burnsville; Erica Brown, Garner; Kellen Lee Carpenter, Cullowhee; Kathryn Patterson Collins, Rocky Mount; Rebecca Page Cooper, Canton; Richard Eglinton, New Bern; Robert Edgar Gresham, Fuquay-Varina; Rainor Lee Gresham, Fuquay-Varina; David Guerdan, Raleigh; Ashley Hewitt, Knightdale; Shelby Alea Hodges, Stony Point; Catherine Claire Hoffman, Lexington; Sarah Anton Isenhour, Landis; Rosenne Gilchrist Jones, Fayetteville; Lindsay McGill, Erwin; Elizabeth Morgan Moore, Goldsboro; Ian James Murphy, Raleigh; Charles Queen, Waynesville; Jeremy Mark Smith, Raleigh; James Twining, Greer, South Carolina; and Charlotte Westbrook Woltz, Mount Airy.

Upon motion of Senator Basnight, seconded by Senator Gulley, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Tuesday, July 30, at 9:15 A.M.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:27 P.M.

TWO HUNDRED TENTH DAY

Senate Chamber
Tuesday, July 30, 2002

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, the Lieutenant Governor has gaveled the regular session open, calendars are on the desks and the second prayer is almost over. Forgive us if we expect to happen today that which happened yesterday. If we're ready to plod along searching for sameness, give us a surprise instead, the disrupting, intruding awareness of your presence.

"We open our minds and hearts to that experience, O God. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 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.

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The President of the Senate extends courtesies of the floor to Sharon Starr from Crouse, 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. 1135, AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO USE THE DESIGN-BUILD METHOD OF CONTRACTING FOR THE MULTILANING OF US HIGHWAY 601 FROM THE SOUTH CAROLINA STATE LINE TO US HIGHWAY 74 IN UNION COUNTY.

H.B. 1538, AN ACT TO AMEND THE LAW RELATING TO DISTRIBUTION TO KNOWN BUT UNLOCATED DEVISEES OR HEIRS TO CONFORM TO THE NORTH CAROLINA UNCLAIMED PROPERTY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Enrolling Clerk reports the following bills and resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 1132, AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE TOWN OF ELLENBORO.

S.B. 1300, AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF NEWTON.

H.B. 1533, AN ACT TO AUTHORIZE CERTAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY AND TO MODIFY THE TIMETABLE FOR STOKES COUNTY OR ANY OF ITS MUNICIPALITIES TO ADOPT A SCHEDULE OF DISCOUNTS FOR PREPAYMENT OF PROPERTY TAXES.

H.B. 1589, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF PRINCETON.

H.B. 1629, AN ACT AUTHORIZING THE CITY OF THOMASVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

H.J.R. 1675, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUGH STEWART JOHNSON, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY. (Res. 9)

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:

H.B. 1516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION.

Referred to **Transportation Committee**.

H.B. 1575 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN STATUTES RELATED TO LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN CONNECTION WITH THE CLEANUP OF RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

H.B. 1627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN CRAVEN, NASH, AND PAMLICO COUNTIES.

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

H.B. 1657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 1668, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SOUTHPORT OCCUPANCY TAX.

Referred to **Finance Committee**.

CALENDAR

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

S.B. 1252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA.

With unanimous consent, upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, August 6, upon second reading.

H.B. 1544 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

With unanimous consent, upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, August 6.

H.B. 1525 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF RED CROSS, as amended by the Finance Committee, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—45.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

S.B. 1241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM.

With unanimous consent, upon motion of Senator Gulley, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Pensions & Retirement and Aging Committee**.

WITHDRAWAL FROM CALENDAR

H.B. 1544 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, placed on the Calendar for Tuesday, August 6.

Senator Albertson offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Tuesday, August 6, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Tuesday, August 6, and places it on today's Calendar.

CALENDAR *(continued)*

H.B. 522 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CREATION OF COUNTY ECONOMIC DEVELOPMENT AUTHORITIES AND TO INCREASE THE ANNUAL PER DIEM FOR WATER AND SEWER AUTHORITY MEMBERS, upon second reading.

Senator Shaw of Cumberland offers Amendment No. 1.

Upon motion of Senator Rand, the Chair orders the Senate Committee Substitute bill temporarily displaced, with Amendment No. 1 pending.

S.B. 1420 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PENALTIES AGAINST IMPROPER AND COERCIVE POLITICAL FUND-RAISING PRACTICES AGAINST STATE EMPLOYEES AND TO APPLY THE LAW TO ALL STATE EMPLOYEES.

The Committee Substitute bill passes its third reading (46-0) and is ordered sent to the House of Representatives.

H.B. 522 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CREATION OF COUNTY ECONOMIC DEVELOPMENT AUTHORITIES AND TO INCREASE THE ANNUAL PER DIEM FOR WATER AND SEWER AUTHORITY MEMBERS, temporarily displaced earlier, upon second reading, with Amendment No. 1 pending.

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With unanimous consent, upon motion of Senator Plyler, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to **Appropriations/Base Budget Committee**, with Amendment No. 1 pending.

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, as amended on second reading.

The bill, as amended, passes its third reading (39-7) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 3.

H.B. 1544 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its third reading (46-0) and is ordered enrolled and sent to the Governor.

Upon motion of Senator Basnight, seconded by Senator Martin of Guilford, the Senate adjourns subject to receipt of committee reports, conference reports, messages from the House of Representatives, and ratification of bills to meet Thursday, August 1, at 10:15 A.M.

ENROLLED BILLS

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

H.B. 1544, AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

REPORT OF COMMITTEE

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. 1534, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS, with a favorable report.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:28 P.M.

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TWO HUNDRED ELEVENTH DAY

Senate Chamber
Thursday, August 1, 2002

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 it may be quiet today in the Senate Chamber, O God, all the work that makes a session happen continues, either catching up or preparation for work still to do when the full Senate returns.

"Today we pray in gratitude for the work of the Principal Clerk and her assistants, all of the Legislative Assistants, the Sergeant-At-Arms and his staff, Bill Drafting, and the Pages, all those who are behind the scenes and bring order out of chaos every day.

"Grant to them a sense of the appreciation we all express for their able yet unheralded work. Amen."

Senator Cunningham announces that the Journal of Tuesday, July 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.

The President of the Senate extends courtesies of the floor to Dr. Terrence Morton Jr. from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Pamela Allison from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

CONFERENCE REPORT

Senator Clodfelter for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **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, 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 623, 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, Senate Judiciary I Committee Substitute Adopted 9/4/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee

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Substitute, Senate Judiciary I Committee Substitute Adopted 9/4/01, 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 H623-PCCS8358-LCX-5.

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

Date Conferees approved report: July 30, 2002.

S/Daniel G. Clodfelter
S/Anthony E. Rand
S/Frank W. Ballance, Jr.
S/Patrick J. Ballantine
S/Aaron W. Plyler

S/W. Edwin McMahan
S/Pryor Gibson
S/Gordon P. Allen, Sr.
S/Joe Hackney
S/W. Pete Cunningham

Conferees for the Senate

*Conferees for the
House of Representatives*

The text of the attached Proposed Conference Committee Substitute bill H623-PCCS8358-LCX-5 is as follows:

A BILL TO BE ENTITLED

AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS.

The General Assembly of North Carolina enacts:

SECTION 1. The title of Part 2 of Article 3B of Chapter 143 of the General Statutes reads as rewritten:

"Part 2. Guaranteed Energy Savings Contracts for ~~Local~~ Governmental Units."

SECTION 2. G.S. 143-64.17 reads as rewritten:

"§ 143-64.17. **Definitions.**

As used in this Part:

- (1) "Energy conservation measure" means a facility alteration, training, or services related to the operation of the facility, when the alteration, training, or services provide anticipated energy savings. Energy conservation measure includes any of the following:
 - a. Insulation of the building structure and systems within the building.
 - b. Storm windows or doors, caulking, weatherstripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated window or door systems, additional glazing, reductions in glass area, or other window or door system modifications that reduce energy consumption.
 - c. Automatic energy control systems.
 - d. Heating, ventilating, or air-conditioning system modifications or replacements.
 - e. Replacement or modification of lighting fixtures to increase the energy efficiency of a lighting system without increasing the overall illumination of a facility,

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unless an increase in illumination is necessary to conform to the applicable State or local building code or is required by the light system after the proposed modifications are made.

- f. Energy recovery systems.
 - g. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.
 - h. Other energy conservation measures.
- (2) "Energy savings" means a measured reduction in fuel costs, energy costs, or operating costs created from the implementation of one or more energy conservation measures when compared with an established baseline of previous fuel costs, energy costs, or operating costs developed by the ~~local~~ governmental unit.
- (2a) "Governmental unit" means either a local governmental unit or a State governmental unit.
- (3) "Guaranteed energy savings contract" means a contract for the evaluation, recommendation, or implementation of energy conservation measures, including the design and installation of equipment or the repair or replacement of existing equipment, in which all payments, except obligations on termination of the contract before its expiration, are to be made over time, and in which energy savings are guaranteed to exceed costs.
- (4) "Local governmental unit" means any board or governing body of a political subdivision of the State, including any board of a community college, any school board, or an agency, commission, or authority of a political subdivision of the State.
- (5) "Qualified provider" means a person or business experienced in the design, implementation, and installation of energy conservation measures.
- (6) "Request for proposals" means a negotiated procurement initiated by a ~~local~~ governmental unit by way of a published notice that includes the following:
- a. The name and address of the ~~local~~ governmental unit.
 - b. The name, address, title, and telephone number of a contact person in the ~~local~~ governmental unit.
 - c. Notice indicating that the ~~local~~ governmental unit is requesting qualified providers to propose energy conservation measures through a guaranteed energy savings contract.
 - d. The date, time, and place where proposals must be received.
 - e. The evaluation criteria for assessing the proposals.
 - f. A statement reserving the right of the ~~local~~ governmental unit to reject any or all the proposals.
 - g. Any other stipulations and clarifications the ~~local~~ governmental unit may require.
- (7) "State governmental unit" means the State or a department, an agency, a board, or a commission of the State, including the Board of Governors of The University of North Carolina and its constituent institutions."

SECTION 3. G.S. 143-64.17A reads as rewritten:

"§ 143-64.17A. Solicitation of guaranteed energy savings contracts.

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(a) Before entering into a guaranteed energy savings contract, a ~~local~~ governmental unit shall issue a request for proposals. Notice of the request shall be published at least 15 days in advance of the time specified for opening of the proposals in at least one newspaper of general circulation in the geographic area for which the local governmental unit is ~~responsible~~ responsible or, in the case of a State governmental unit, in which the facility or facilities are located. No guaranteed energy savings contract shall be awarded by any ~~governing body~~ governmental unit unless at least two proposals have been received from qualified providers. Provided that if after the publication of the notice of the request for proposals, fewer than two proposals have been received from qualified providers, the ~~governing body~~ of the local governmental unit shall again publish notice of the request and if as a result of the second notice, one or more proposals by qualified providers are received, the ~~governing body~~ governmental unit may then open the proposals and select a qualified provider even if only one proposal is received.

(b) The ~~local~~ governmental unit shall evaluate a sealed proposal from any qualified provider. Proposals shall contain estimates of all costs of installation, modification, or remodeling, including costs of design, engineering, installation, maintenance, repairs, ~~and~~ debt service, and estimates of energy savings.

(c) Proposals received pursuant to this section shall be opened by a member or an employee of the ~~governing body~~ of the local governmental unit at a public opening ~~at which~~ and the contents of the proposals shall be announced at this opening. In the case of a local governmental unit, the contents of the proposals shall also be ~~and~~ recorded in the minutes of the governing body. Proposals shall be evaluated for the ~~local~~ governmental unit by a licensed architect or engineer on the basis of:

- (1) The information required in subsection (b) of this section; and
- (2) The criteria stated in the request for proposals.

The ~~local~~ governmental unit may require a qualified provider to include in calculating the cost of a proposal for a guaranteed energy savings contract any reasonable fee payable by the ~~local~~ governmental unit for evaluation of the proposal by a licensed architect or professional engineer not employed as a member of the staff of the ~~local~~ governmental unit or the qualified provider.

(d) The ~~local~~ governmental unit shall select the qualified provider that it determines to best meet the needs of the ~~local~~ governmental unit by evaluating all of the following:

- (1) Prices ~~offered~~ offered.
- (2) Proposed costs of construction, financing, maintenance, and ~~training~~ training.
- (3) Quality of the products ~~proposed~~ proposed.
- (4) Amount of energy ~~savings~~ savings.
- (5) General reputation and performance capabilities of the qualified ~~providers~~ providers.
- (6) Substantial conformity with the specifications and other conditions set forth in the request for ~~proposals~~ proposals.
- (7) Time specified in the proposals for the performance of the ~~contract and~~ contract.
- (8) Any other factors the ~~local~~ governmental unit deems necessary, which factors shall be made a matter of record.

(e) Nothing in this section shall limit the authority of ~~local~~ governmental units as set forth in Article 3D of this Chapter."

SECTION 4. G.S. 143-64.17B reads as rewritten:

"§ 143-64.17B. Guaranteed energy savings contracts.

(a) A ~~local~~ governmental unit may enter into a guaranteed energy savings contract with a qualified provider if all of the following apply:

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- (1) The term of the contract does not exceed 12 years from the date of the installation and acceptance by the ~~local~~ governmental unit of the energy conservation measures provided for under the contract.
- (2) The ~~local~~-governmental unit finds that the energy savings resulting from the performance of the contract will equal or exceed the total cost of the contract.
- (3) The energy conservation measures to be installed under the contract are for an existing building.

(b) Before entering into a guaranteed energy savings contract, the ~~local~~ governmental unit shall provide published notice of the time and place or of the meeting at which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose. The notice must be published at least 15 days before the date of the proposed award or meeting.

(c) A qualified provider entering into a guaranteed energy savings contract under this Part shall provide a bond to the ~~local~~-governmental unit in the amount equal to one hundred percent (100%) of the total cost of the guaranteed energy savings contract to assure the provider's faithful performance. Any bonds required by this subsection shall be subject to the provisions of Article 3 of Chapter 44A of the General Statutes. If the savings resulting from a guaranteed energy savings contract are not as great as projected under the contract and all required shortfall payments to the ~~local~~-governmental unit have not been made, the ~~local~~-governmental unit may terminate the contract without incurring any additional obligation to the qualified provider.

(d) As used in this section, "total cost" shall include, but not be limited to, costs of construction, costs of financing, and costs of maintenance and training during the term of the contract. "Total cost" does not include any obligations on termination of the contract before its expiration, provided that those obligations are disclosed when the contract is executed.

(e) A guaranteed energy savings contract may not require the ~~local~~ governmental unit to purchase a maintenance contract or other maintenance agreement from the qualified provider who installs energy conservation measures under the contract if the ~~local~~-unit of government takes appropriate action to budget for its own forces or another provider to maintain new systems installed and existing systems affected by the guaranteed energy savings contract."

SECTION 5. G.S. 143-64.17C is repealed.

SECTION 6. G.S. 143-64.17D reads as rewritten:

"§ 143-64.17D. Contract continuance.

A guaranteed energy savings contract may extend beyond the fiscal year in which it becomes effective. Such a contract shall stipulate that it does not constitute a ~~debt, liability, or obligation of any local governmental unit or a direct or indirect pledge of the taxing power or full faith and credit of any unit of local government.~~ governmental unit."

SECTION 7. Part 2 of Article 3B of Chapter 143 of the General Statutes is amended by adding the following new section to read:

"§ 143-64.17F. State agencies to use contracts when feasible.

State governmental units shall evaluate the use of guaranteed energy savings contracts in reducing energy costs and may use those contracts when feasible and practical. The Department of Administration, through the State Energy Office, shall adopt rules for agency evaluation of guaranteed energy savings contracts. Prior to adopting any rules pursuant to this section, the Department shall consult with and obtain approval of those rules from the State Treasurer."

SECTION 8. Part 2 of Article 3B of Chapter 143 of the General Statutes is amended by adding the following new sections to read:

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"§ 143-64.17H. Guaranteed energy savings contract reporting requirements.

A State governmental unit that enters into a guaranteed energy savings contract must report the contract and the terms of the contract to the State Energy Office of the Department of Administration within 30 days of the date the contract is entered into. In addition, within 60 days after each annual anniversary date of a guaranteed energy savings contract, the State governmental unit must report the status of the contract to the State Energy Office, including any details required by the State Energy Office. The State Energy Office shall compile the information for each fiscal year and report it to the Joint Legislative Commission on Governmental Operations and to the Local Government Commission annually by December 1. In compiling the information, the State Energy Office shall include information on the energy savings expected to be realized from a contract and shall evaluate whether expected savings have in fact been realized.

"§ 143-64.17I. Installment and lease purchase contracts.

A local governmental unit may provide for the acquisition, installation, or maintenance of energy conservation measures acquired pursuant to this Part by installment or lease purchase contracts in accordance with and subject to the provisions of G.S. 160A-20 and G.S. 160A-19, as applicable.

"§ 143-64.17J. Financing by State governmental units.

State governmental units may finance the acquisition, installation, or maintenance of energy conservation measures acquired pursuant to this Part in the manner and to the extent set forth in Article 8 of Chapter 142 of the General Statutes or as otherwise authorized by law."

SECTION 9. Chapter 142 of the General Statutes is amended by adding a new Article to read:

"Article 8.

"State Energy Conservation Finance Act.

"§ 142-60. Short Title.

This Article is the State Energy Conservation Finance Act.

"§ 142-61. Definitions.

The following definitions apply in this Article:

- (1) Certificates of participation. – Certificates or other instruments delivered by a special corporation as provided in this Article evidencing the assignment of proportionate and undivided interests in the rights to receive payments to be made by the State pursuant to one or more financing contracts.
- (2) Cost. – The term includes:
 - a. The cost of construction, modification, rehabilitation, renovation, improvement, acquisition, or installation in connection with an energy conservation measure.
 - b. The cost of engineering, architectural, and other consulting services as may be required, including the cost of performing the technical analysis in accordance with G.S. 143-64.17A.
 - c. Finance charges, reserves for debt service and other types of reserves required pursuant to a financing contract or any other related documentation, and interest prior to and during construction, and, if deemed advisable by the State Treasurer, for a period not exceeding two years after the estimated date of completion of construction.
 - d. Administrative expenses and charges.
 - e. The cost of bond insurance, investment contracts, credit

- and liquidity facilities, interest rate swap agreements and other derivative products, financial and legal consultants, and related costs of the incurrence or issuance of the financing contract to the extent and as determined by the State Treasurer.
- f. The cost of reimbursing the State for payments made for any costs described in this subdivision.
- g. Any other costs and expenses necessary or incidental to implementing the purposes of this Article.
- (3) Credit facility. – An agreement that:
- a. Is entered into by the State with a bank, savings and loan association, or other banking institution, an insurance company, reinsurance company, surety company or other insurance institution, a corporation, investment banking firm or other investment institution, or any financial institution or other similar provider of a credit facility, which provider may be located within or without the United States of America; and
- b. Provides for prompt payment of all or any part of the principal or purchase price (whether at maturity, presentment or tender for purchase, redemption, or acceleration), redemption premium, if any, and interest with respect to any financing contract payable on demand or tender by the owner in consideration of the State agreeing to repay the provider of the credit facility in accordance with the terms and provisions of the agreement.
- (4) Energy conservation measure. – Defined in G.S. 143-64.17.
- (5) Energy conservation property. – Buildings, equipment, or other property with respect to which an energy conservation measure is undertaken.
- (6) Financing contract. – An installment financing contract entered into pursuant to the provisions of this Article to finance the cost of an energy conservation measure.
- (7) Person. – An individual, a firm, a partnership, an association, a corporation, a limited liability company, or any other organization or group acting as a unit.
- (8) Special corporation. – A nonprofit corporation created under Chapter 55A of the General Statutes for the purpose of facilitating the incurrence of certificates of participation indebtedness by the State under this Article.
- (9) State governmental unit. – Defined in G.S. 143-64.17.
- (10) State Treasurer. – The incumbent Treasurer, from time to time, of the State.

"§ 142-63. Authorization of financing contract.

Subject to the terms and conditions set forth in this Article, a State governmental unit that has solicited a guaranteed energy conservation measure pursuant to G.S. 143-64.17A or G.S. 143-64.17B or the State Treasurer, as designated by the Council of State, is authorized to execute and deliver, for and on behalf of the State of North Carolina, a financing contract to finance the costs of the energy conservation measure. The aggregate principal amount payable by the State under financing contracts entered pursuant to this

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Article shall not exceed fifty million dollars (\$50,000,000) at any one time.

"§ 142-64. Procedure for incurrence or issuance of financing contract.

(a) When a State governmental unit has solicited a guaranteed energy conservation measure, the State governmental unit shall request that the State Treasurer approve the State governmental unit's entering into a financing contract to finance the cost of the energy conservation measure. In connection with the request, the State governmental unit shall provide to the State Treasurer any information the State Treasurer requests in order to evaluate the request. In the event that the State Treasurer determines that financing efficiencies will be realized through the combining of financing contracts, then the State Treasurer is authorized to execute and deliver, for and on behalf of the State of North Carolina, subject to the terms and conditions set forth in this Article, a financing contract for the purpose of financing the cost of the multiple energy conservation measures.

(b) A financing contract may be entered into pursuant to this Article only after all of the following conditions are met:

- (1) The Office of State Budget and Management has certified that resources are expected to be available to the State to pay the payments to fall due under the financing contract as they become due and payable.
- (2) The Council of State has approved the execution and delivery of the financing contract by resolution that sets forth all of the following:
 - a. The not-to-exceed term or final maturity of the financing contract, which shall be no later than 12 years from the date the financing contract is entered.
 - b. The not-to-exceed interest rate or rates (or the equivalent thereof), which may be fixed or vary over a period of time, with respect to the financing contract.
 - c. The appropriate officers of the State to execute and deliver the financing contract and all other documentation relating to it.
- (3) The State Treasurer has approved the financing contract and all other documentation related to it, including any deed of trust, security agreement, trust agreement or any credit facility.

The resolution of the Council of State shall include any other matters the Council of State considers appropriate.

(c) In determining whether to approve a financing contract under subdivision (b)(3) of this section, the State Treasurer may consider the factors the State Treasurer considers relevant in order to find and determine all of the following:

- (1) The principal amount to be advanced to the State under the financing contract is adequate and not excessive for the purpose of paying the cost of the energy conservation measure.
- (2) The increase, if any, in State revenues necessary to pay the sums to become due under the financing contract are not excessive.
- (3) The financing contract can be entered into on terms desirable to the State.
- (4) In the case of delivery of certificates of participation, the sale of certificates of participation will not have an adverse effect upon any scheduled or proposed sale of obligations of the State or any State agency.

(d) The Office of State Budget and Management is authorized to certify that funds are expected to be available to the State to make the payments due under a financing

contract entered into under the provisions of this section as the payments become due and payable. In so certifying, the Office of State Budget and Management may take into account expected decreases in appropriations to the State governmental unit that will offset payments expected to be made under the financing contract.

"§ 142-65. Security; other requirements.

(a) In order to secure the performance by the State of its obligations under a financing contract or any other related documentation, the State may grant a lien on, or security interest in, all or any part of the energy conservation property or the land upon which the energy conservation property is or will be located.

(b) No deficiency judgment may be rendered against the State or any State governmental unit in any action for breach of any obligation contained in a financing contract or any other related documentation, and the taxing power of the State is not and may not be pledged directly or indirectly to secure any moneys due under a financing contract or any other related documentation. In the event that the General Assembly does not appropriate funds sufficient to make payments required under a financing contract or any other related documentation, the net proceeds received from the sale, lease, or other disposition of the property subject to the lien or security interest created pursuant to subsection (a) of this section shall be applied to satisfy these payment obligations in accordance with the deed of trust, security agreement, or other documentation creating the lien or security interest. These net proceeds are hereby appropriated for the purpose of making these payments. Any net proceeds in excess of the amount required to satisfy the obligations of the State under the financing contract or any other related documentation shall be paid to the State Treasurer for deposit to the General Fund of the State.

(c) Neither a financing contract nor any other related documentation shall contain a nonsubstitution clause that restricts the right of the State to (i) continue to provide a service or conduct an activity or (ii) replace or provide a substitute for any State property that is the subject of an energy conservation measure.

(d) A financing contract may include provisions requesting the Governor to submit in the Governor's budget proposal, or any amendments or supplements to it, appropriations necessary to make the payments required under the financing contract.

(e) A financing contract may contain any provisions for protecting and enforcing the rights and remedies of the person advancing moneys or providing funds under the financing contract that are reasonable and not in violation of law, including covenants setting forth the duties of the State in respect of the purposes to which the funds advanced under a financing contract may be applied, and the duties of the State with respect to the property subject to the lien or security interest created pursuant to subsection (a) of this section, including, without limitation, provisions relating to insuring and maintaining any property and the custody, safeguarding, investment, and application of moneys.

(f) The interest component of the installment payments to be made under a financing contract may be calculated based upon a fixed or variable interest rate or rates as determined by the State Treasurer.

(g) If the State Treasurer determines that it is in the best interest of the State, the State may enter into, or arrange for the delivery of, a credit facility to secure payment of the payments due under a financing contract or to secure payment of the purchase price of any certificates of participation delivered as provided in this Article.

"§ 142-66. Payment provisions.

The payment of amounts payable by the State under a financing contract and any other related documentation during any fiscal biennium or fiscal year shall be limited to funds appropriated for that purpose by the General Assembly in its discretion. No provision of this Article and no financing contract or any other related documentation shall be construed or interpreted as creating a pledge of the faith and credit of the State or

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any agency, department, or commission of the State within the meaning of any constitutional debt limitation.

"§ 142-67. Certificates of participation.

(a) If the State Treasurer determines that the State would realize debt service savings under one or more financing contracts if certificates of participation are issued with respect to the rights to receive payments under the financing contract, then the State Treasurer is authorized to take actions, with the consent of the Council of State, that will effectuate the delivery of certificates of participation for that purpose.

(b) Terms; Interest. – Certificates of participation may be sold by the State Treasurer in the manner, either at public or private sale, and for any price or prices that the State Treasurer determines to be in the best interest of the State and to effect the purposes of this Article, except that the terms of the sale must also be approved by the special corporation. Interest payable with respect to certificates of participation shall accrue at the rate or rates determined by the State Treasurer with the approval of the special corporation.

(c) Trust Agreement. – Certificates of participation may be delivered pursuant to a trust agreement or similar instrument with a corporate trustee approved by the State Treasurer.

"§ 142-68. Tax exemption.

Any financing contract entered pursuant to this Article, and any certificates of participation relating to it, shall at all times be free from taxation by the State or any political subdivision or any of their agencies, excepting estate, inheritance, and gift taxes; income taxes on the gain from the transfer of the financing contract or certificates of participation; and franchise taxes. The interest component of the installment payments made by the State under the financing contract, including the interest component of any certificates of participation, is not subject to taxation as income.

"§ 142-69. Other agreements.

The State Treasurer may authorize, execute, obtain, or otherwise provide for bond insurance, investment contracts, credit and liquidity facilities, credit enhancement facilities, interest rate swap agreements and other derivative products, and any other related instruments and matters the State Treasurer determines are desirable in connection with entering into financing contracts and issuing certificates of participation pursuant to this Article. The State Treasurer is authorized to employ and designate any financial consultants, underwriters, fiduciaries, and bond attorneys to be associated with any financing contracts or certificates of participation under this Article as the State Treasurer considers appropriate.

"§ 142-70. Investment eligibility.

Financing contracts entered into pursuant to this Article, and any certificates of participation relating to them, are securities or obligations in which all of the following may invest, including capital in their control or belonging to them: public officers, agencies, and public bodies of the State and its political subdivisions; insurance companies, trust companies, investment companies, banks, savings banks, savings and loan associations, credit unions, pension or retirement funds, and other financial institutions engaged in business in the State; and executors, administrators, trustees, and other fiduciaries. Financing contracts entered pursuant to this Article, and any certificates of participation relating to them, are securities or obligations that may properly and legally be deposited with and received by any officer or agency of the State or any political subdivision of the State for any purpose for which the deposit of bonds, notes, or obligations of the State or any political subdivision is now or may later be authorized by law."

SECTION 10. G.S. 160A-20(h) reads as rewritten:

"(h) As used in this section, the term 'unit of local government' means any of the following:

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- (1) A county.
- (2) A city.
- (3) A water and sewer authority created under Article 1 of Chapter 162A of the General Statutes.
- (3a) A metropolitan sewerage district created under Article 5 of Chapter 162A of the General Statutes.
- (3b) A sanitary district created under Part 2 of Article 2 of Chapter 130A of the General Statutes.
- (4) An airport authority whose situs is entirely within a county that has (i) a population of over 120,000 according to the most recent federal decennial census and (ii) an area of less than 200 square miles.
- (5) An airport authority in a county in which there are two incorporated municipalities with a population of more than 65,000 according to the most recent federal decennial census.
- (5a) An airport board or commission authorized by agreement between two cities pursuant to G.S. 63-56, one of which is located partially but not wholly in the county in which the jointly owned airport is located, and where the board or commission provided water and wastewater services off the airport premises before January 1, 1995; ~~provided 1995, except~~ that the authority granted by this ~~section-subdivision~~ may be exercised by such a board or commission with respect to water and wastewater systems or improvements only.
- (6) A local school administrative unit whose board of education is authorized to levy a school tax.
- (6a) Any other local school administrative unit, but only for the purpose of financing energy conservation measures acquired pursuant to Part 2 of Article 3B of Chapter 143 of the General Statutes.
- (6b) A community college, but only for the purpose of financing energy conservation measures acquired pursuant to Part 2 of Article 3B of Chapter 143 of the General Statutes.
- (7) An area mental health, developmental disabilities, and substance abuse authority, acting in accordance with G.S. 122C-147.
- (8) A consolidated city-county, as defined by G.S. 160B-2(1).
- (9) Repealed by Session Laws 2001-414, s. 52, effective September 14, 2001.
- (10) A regional natural gas district, as defined by Article 28 of this Chapter.
- (11) A regional public transportation authority or a regional transportation authority created pursuant to Article 26 or Article 27 of this Chapter.
- (12) A nonprofit corporation or association operating or leasing a public hospital as defined in G.S. 159-39."

SECTION 11. G.S. 143-129.4 reads as rewritten:

"§ 143-129.4. Guaranteed energy savings contracts.

The solicitation and evaluation of proposals for guaranteed energy savings contracts, as defined in Part 2 of Article 3B of this Chapter, and the letting of contracts for these proposals are ~~governed solely~~ not governed by this Article but instead are governed by the provisions of that Part; except that guaranteed energy savings contracts are subject to the requirements of G.S. 143-128.2."

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SECTION 12. Nothing in this act limits the use of any method of contracting authorized by local law or other applicable laws.

SECTION 13. This act becomes effective January 1, 2003, and applies to contracts entered into on or after that date.

The Conference Report is placed on the Calendar for Monday, August 5, for adoption upon second reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 30, 2002

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1292** (House Committee Substitute # 2), A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE ADDITIONAL LOCAL OPTION SALES TAX, THE REPEAL OF REIMBURSEMENTS, AND THE DECREASE IN THE STATE SALES TAX RATE; TO PROVIDE NO HOLD HARMLESS PAYMENTS IN THE 2002-2003 FISCAL YEAR OTHER THAN A PAYMENT EQUAL TO THE EXCESS, IF ANY, OF A LOCAL GOVERNMENT'S REPEALED REIMBURSEMENT AMOUNT OVER THREE TIMES IT'S ESTIMATED PROCEEDS FROM THE NEW TAX; TO DELAY THE INCREASE IN THE CHILD TAX CREDIT BY ONE YEAR; TO DELAY THE INCREASE IN THE STANDARD DEDUCTION FOR MARRIED PERSONS BY ONE YEAR; TO UPDATE THE REFERENCE DATE TO THE INTERNAL REVENUE CODE USED TO DEFINE AND DETERMINE CERTAIN STATE TAX PROVISIONS; TO CONFORM TO THE FEDERAL ANNUAL EXCLUSION AMOUNT FOR GIFT TAXES; TO DELAY THE EFFECT OF ACCELERATED DEPRECIATION UNDER SECTION 168 OF THE CODE AND SECTION 1400L OF THE CODE; TO DISREGARD THE PHASE-OUT OF THE STATE DEATH TAX CREDIT UNDER THE CODE; TO ALLOW THE SECRETARY OF REVENUE TO RECOUP A PORTION OF THE COSTS OF ADMINISTERING THE UNAUTHORIZED SUBSTANCES TAX FROM LOCAL SALES AND USE TAX DISTRIBUTIONS; TO SET THE INSURANCE REGULATORY FEE AND THE PUBLIC UTILITY REGULATORY FEES; TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR; TO CONFORM THE DEFINITION OF BUSINESS INCOME TO FEDERAL STANDARDS; TO PROVIDE THAT IN APPORTIONING CORPORATE INCOME TO THIS STATE FOR INCOME TAX PURPOSES, SALES OF TANGIBLE PERSONAL PROPERTY IN ANOTHER STATE OR COUNTRY WHERE THE SALES ARE NOT TAXABLE ARE NOT CONSIDERED; TO CLOSE A LOOPHOLE IN THE 2001 LEGISLATION INTENDED TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO AVOID FRANCHISE TAX LIABILITY BY TRANSFERRING ASSETS TO A LIMITED LIABILITY COMPANY; AND TO ENLARGE THE CLASS OF TAXPAYERS ELIGIBLE FOR AN ENHANCED CREDIT FOR INVESTING IN LOW-INCOME HOUSING IN A COUNTY THAT SUSTAINED SEVERE OR MODERATE DAMAGE FROM A HURRICANE IN 1999, and requests conferees, the Speaker appoints:

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Representative Luebke, Chair;
Representative Wainwright, Vice Chair;
Representative Allen, Vice Chair;
Representative Buchanan, Vice Chair;
Representative Baddour,
Representative Hackney
Representative Culpepper,
Representative Cunningham,
Representative Alexander,
Representative Womble,
Representative Weiss,
Representative Warner,
Representative McMahan,
Representative Sherrill, and
Representative Gulley

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

ENROLLED BILLS

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

S.B. 1160, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES AND TO PROVIDE A ONE-TIME EXTENSION TO THE TIME PERIOD IN WHICH A TAXPAYER MAY SIGN A LETTER OF COMMITMENT WITH THE DEPARTMENT OF COMMERCE TO QUALIFY FOR A LOWER TIER DESIGNATION.

S.B. 1231, AN ACT TO AMEND G.S. 116-19 BY DEFINING THE TERMS "NEEDY NORTH CAROLINA STUDENTS" AND "INSTITUTIONAL METHODOLOGY".

S.B. 1251, AN ACT TO MERGE THE DIVISION OF RADIATION PROTECTION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES INTO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO CREATE THE RADIATION PROTECTION SECTION OF THE DIVISION OF ENVIRONMENTAL HEALTH, AND TO MAKE CONFORMING STATUTORY CHANGES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 1429, AN ACT TO MAKE CHANGES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO CONFORM WITH THE PROVISIONS OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

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H.B. 1546, AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and, presented to the Office of the Secretary of State:

S.B. 1271, AN ACT TO REGULATE THE USE OF CENTER-FIRE WEAPONS IN SCOTLAND COUNTY.

H.B. 1525, AN ACT TO INCORPORATE THE TOWN OF RED CROSS.

H.B. 1648, AN ACT TO AUTHORIZE THE COLLEGE OF THE ALBEMARLE AND GUILFORD TECHNICAL COMMUNITY COLLEGE TO ENTER INTO LEASE AGREEMENTS WITH THE YMCAS.

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. 861, 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 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. (Became law upon approval of the Governor, July 29, 2002--S.L.-2002-37.)

H.B. 1484, AN ACT REPEALING THE SECTION OF THE CHARTER OF THE CITY OF TRINITY THAT PROHIBITS THE CITY COUNCIL FROM HOLDING CLOSED SESSIONS AS AUTHORIZED UNDER THE GENERAL LAW. (Became law upon ratification, July 29, 2002--S.L.-2002-38.)

H.B. 1486, AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE VICINITY OF THE ROANOKE RIVER BRIDGE ON HIGHWAY 17 IN BERTIE COUNTY. (Became law upon ratification, July 29, 2002--S.L.-2002-39.)

H.B. 1599, AN ACT TO CHANGE THE COMPOSITION OF THE TOWN OF ANGIER BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS. (Became law upon ratification, July 29, 2002--S.L.-2002-40.)

H.B. 1607, AN ACT TO REPEAL THE LINCOLNTON FIREMEN'S SUPPLEMENTAL RETIREMENT FUND. (Became law upon ratification, July 29, 2002--S.L.-2002-41.)

H.B. 1615, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CHINA GROVE. (Became law upon ratification, July 29, 2002--S.L.-2002-42.)

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H.B. 1666, AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM. (Became law upon ratification, July 29, 2002–S.L.-2002-43.)

H.B. 1683, AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE SEVEN SEPARATE SEATS ON THE WAYNE COUNTY BOARD OF COMMISSIONERS. (Became law upon ratification, July 29, 2002–S.L.-2002-44.)

H.B. 1684, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE. (Became law upon ratification, July 29, 2002–S.L.-2002-45.)

H.B. 1690, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CANDOR, AND OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD. (Became law upon ratification, July 29, 2002–S.L.-2002-46.)

H.B. 1698, AN ACT AUTHORIZING THE DEPARTMENT OF CULTURAL RESOURCES TO ERECT A SECOND HISTORICAL MARKER COMMEMORATING AN INDIVIDUAL. (Became law upon ratification, July 29, 2002–S.L.-2002-47.)

H.B. 1723, AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH A TRUST FUND SPECIFICALLY AUTHORIZED BY STATUTE TO BE CREATED BY A CITY UPON CONDITION THAT THE TOWN APPROPRIATES ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OR PURPOSES FOR WHICH THE FUND WAS ESTABLISHED. (Became law upon ratification, July 29, 2002–S.L.-2002-48.)

S.B. 1132, AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE TOWN OF ELLENBORO. (Became law upon ratification, July 30, 2002–S.L.-2002-49.)

S.B. 1300, AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF NEWTON. (Became law upon ratification, July 30, 2002–S.L.-2002-50.)

H.B. 1533, AN ACT TO AUTHORIZE CERTAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY AND TO MODIFY THE TIMETABLE FOR STOKES COUNTY OR ANY OF ITS MUNICIPALITIES TO ADOPT A SCHEDULE OF DISCOUNTS FOR PREPAYMENT OF PROPERTY TAXES. (Became law upon ratification, July 30, 2002–S.L.-2002-51.)

H.B. 1589, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF PRINCETON. (Became law upon ratification, July 30, 2002–S.L.-2002-52.)

H.B. 1629, AN ACT AUTHORIZING THE CITY OF THOMASVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE. (Became law upon ratification, July 30, 2002–S.L.-2002-53.)

S.B. 1112, AN ACT TO CONTINUE THE LAW MAKING CERTAIN

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MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2001. (Became law upon approval of the Governor, July 31, 2002–S.L.-2002-54.)

WITHDRAWAL FROM COMMITTEE

H.B. 1184 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE THRESHOLD FOR A STATEWIDE SECOND PRIMARY TO TWENTY- FIVE PERCENT, referred to the **Rules and Operations of the Senate Committee** on May 1, 2001.

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 re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

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

Upon motion of Senator Rand, seconded by Senator Kinnaird, the Senate adjourns subject to receipt of messages from the House of Representatives and conference reports, to meet Monday, August 5, at 9:05 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message received 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. 1346 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, for concurrence in the House Committee Substitute bill.

Referred to **Finance Committee**.

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:

H.B. 1502, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE SANDERS FOREST AND BENT TREE PLANTATION COMMUNITIES IN BRUNSWICK COUNTY.

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

H.B. 1508 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS.

Referred to **Health Care Committee**.

H.B. 1519 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REFUSE TO ISSUE A CERTIFICATE OF TITLE FOR, AND TO REFUSE OR CANCEL THE

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REGISTRATION OF, A MOTOR VEHICLE OWNED BY A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD; TO CLARIFY THE DEFINITION OF INTERSTATE AND INTRASTATE MOTOR CARRIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DETERMINE THE SAFETY FITNESS OF INTRASTATE MOTOR CARRIERS; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PROHIBIT THE INTRASTATE OPERATIONS OF A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD.

Referred to **Judiciary I Committee**.

H.B. 1611 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY AND TO REQUIRE PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY.

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

H.B. 1620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to **Finance Committee**.

H.B. 1623, A BILL TO BE ENTITLED AN ACT TO CLASSIFY BRUNSWICK COUNTY AS A HIGH HAZARD COUNTY WITH RESPECT TO THE REGULATION OF OPEN FIRES.

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

H.B. 1635, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REGULATING FOXHUNTING IN HARNETT COUNTY.

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

H.B. 1651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN PITT COUNTY.

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

H.B. 1724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE.

Referred to **Pensions & Retirement and Aging Committee**.

CALENDAR

The following bill on today's Calendar is carried over to the Calendar of Monday, August 5, as unfinished business:

H.B. 1534, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS.

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Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 10:45 A.M.

TWO HUNDRED TWELFTH DAY

Senate Chamber
Monday, August 5, 2002

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:

"O Eternal God, bless all schools, colleges, and universities, especially those in North Carolina, that they may be lively centers for sound learning, new discovery, and the pursuit of wisdom; and grant that those who teach and those who learn may find you to be the source of all truth; through Jesus Christ our Lord. Amen."

**Taken from The Common Book of Prayer of The Episcopal Church*

Senator Kinnaird announces that the Journal of Thursday, August 1, 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:

S.B. 1271, AN ACT TO REGULATE THE USE OF CENTER-FIRE WEAPONS IN SCOTLAND COUNTY. (Became law upon ratification, August 1, 2002--S.L.-2002-55.)

H.B. 1525, AN ACT TO INCORPORATE THE TOWN OF RED CROSS. (Became law upon ratification, August 1, 2002--S.L.-2002-56.)

H.B. 1648, AN ACT TO AUTHORIZE THE COLLEGE OF THE ALBEMARLE AND GUILFORD TECHNICAL COMMUNITY COLLEGE TO ENTER INTO LEASE AGREEMENTS WITH THE YMCAS. (Became law upon ratification, August 1, 2002--S.L.-2002-57.)

H.B. 1503, AN ACT TO AMEND THE LAW RELATING TO SPECIAL MEETINGS OF SHAREHOLDERS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, TO AMEND THE LAW RELATING TO DISSENTERS' RIGHTS UNDER THE NORTH CAROLINA BUSINESS CORPORATION ACT, TO CLARIFY THAT A GENERAL PARTNER MUST EXECUTE DOCUMENTS FOR FILING BY THE SECRETARY OF STATE, AND TO CLARIFY THE LAW RELATING TO REGISTRATION OF GENERAL PARTNERSHIPS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, August 1, 2002--S.L.-2002-58.)

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H.B. 1747, AN ACT TO AUTHORIZE THE BOARD OF CHIROPRACTIC EXAMINERS TO COLLECT A FEE FOR THE ANNUAL RECERTIFICATION OF CHIROPRACTIC DIAGNOSTIC IMAGING TECHNICIANS. (Became law upon approval of the Governor, August 1, 2002-S.L.-2002-59.)

S.B. 1135, AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO USE THE DESIGN-BUILD METHOD OF CONTRACTING FOR THE MULTILANING OF US HIGHWAY 601 FROM THE SOUTH CAROLINA STATE LINE TO US HIGHWAY 74 IN UNION COUNTY. (Became law upon approval of the Governor, August 1, 2002-S.L.-2002-60.)

H.B. 1515, AN ACT PERTAINING TO THE MEMBERSHIP OF THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES. (Became law upon approval of the Governor, August 1, 2002-S.L.-2002-61.)

H.B. 1538, AN ACT TO AMEND THE LAW RELATING TO DISTRIBUTION TO KNOWN BUT UNLOCATED DEVISEES OR HEIRS TO CONFORM TO THE NORTH CAROLINA UNCLAIMED PROPERTY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, August 1, 2002-S.L.-2002-62.)

H.B. 1552, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DELAY THE EFFECTIVE DATE OF THE LOCKSMITH LICENSING ACT AND TO ALLOW THE LOCKSMITH LICENSING BOARD TO ADOPT TEMPORARY RULES. (Became law upon approval of the Governor, August 1, 2002-S.L.-2002-63.)

H.B. 1583, AN ACT TO ESTABLISH THE LEGAL EFFECT OF THE USE OF ELECTRONIC TECHNOLOGY IN CRIMINAL PROCESS AND PROCEDURE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION. (Became law upon approval of the Governor, August 1, 2002-S.L.-2002-64.)

CALENDAR

The following bills on today's Calendar are carried over to the Calendar of Thursday, August 8, as unfinished business:

H.B. 1534, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS.

H.B. 1245 (Senate Committee Substitute), 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.

H.B. 623 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS.

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Upon motion of Senator Reeves, seconded by Senator Kinnaird, the Senate adjourns at 9:12 A.M. to meet Thursday, August 8, at 9:05 A.M.

TWO HUNDRED THIRTEENTH DAY

Senate Chamber
Thursday, August 8, 2002

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 Bob Inskip, Associate Pastor, First Presbyterian Church, Raleigh, North Carolina as follows:

"Loving God, you know what we need before we ask. Indeed, you know what we truly need, and that which is most vital you have provided in abundance.

"Please help our leaders find the resources to provide fairly for all, so that all will have equal access to the services they need; that what is important is preserved, and what is essential is provided in such a way that no one could be tempted by extravagance.

"O Lord, all are equal in your sight, red and yellow, black and white. May the decisions reached in this Body support that justice and compassion, and the fairness of moderation. Amen."

Senator Kinnaird announces that the Journal of Monday, August 5, 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.

The President of the Senate extends courtesies of the floor to Dr. Charles Harr from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Norris Burton from Durham, 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:

H.B. 148, AN ACT TO ALLOW MORE THAN TWO NONPROFIT WATER CORPORATIONS TO JOIN CERTAIN WATER AND SEWER AUTHORITIES.

H.B. 622, AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY DECLARE THAT THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS NOT AN UNREASONABLY DANGEROUS ACTIVITY AND DOES NOT CONSTITUTE A NUISANCE PER SE; TO PROVIDE THAT THE AUTHORITY TO BRING SUIT AGAINST ANY FIREARM OR AMMUNITION MARKETER, MANUFACTURER, DISTRIBUTOR, DEALER, SELLER, OR TRADE ASSOCIATION BY OR ON BEHALF OF ANY GOVERNMENTAL UNIT FOR REMEDIES RESULTING FROM OR RELATED TO THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS RESERVED EXCLUSIVELY TO THE STATE; AND TO PROVIDE THAT

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ANY SUCH ACTION SHALL BE BROUGHT BY THE ATTORNEY GENERAL ON BEHALF OF THE STATE.

H.B. 1308, AN ACT TO CONFIRM THE DATE ON WHICH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE BECOMES EFFECTIVE AND TO PROVIDE THAT GASOLINE THAT MEETS FEDERAL REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE DURING THE TWO-YEAR PERIOD ALLOWED FOR THE TRANSITION TO LOW-SULFUR GASOLINE BY FEDERAL REGULATIONS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1133, AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

S.B. 1371, AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS.

H.B. 1662, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND TO ANNEX OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
August 5, 2002

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

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for **S.B. 759** on July 29, the bill is ordered enrolled and sent to the Governor.

August 8, 2002

House of Representatives

August 5, 2002

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. 644**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY, and requests conferees.

The Speaker has appointed:

Representative J. Crawford, Chair;
Representative Cole,
Representative Saunders,
Representative Dedmon,
Representative Buchanan,
Representative Bowie, and
Representative Clary

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 G. Weeks
Principal Clerk

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.J.R. 1462, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID WEBSTER BUMGARDNER, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 1518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, TO MODIFY THE CURRENT AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO AWARD DESIGN-BUILD CONTRACTS, AND CONCERNING CONTRACT REQUIREMENTS FOR IRON USED IN DOT PROJECTS.

Referred to **Appropriations/Base Budget Committee**.

H.B. 1697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE WARREN FIELD AIRPORT COMMISSION TO LEASE PROPERTY FOR MORE THAN TEN YEARS.

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

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ENROLLED BILLS

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

S.B. 759, AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY.

CALENDAR

The following bills on today's Calendar are carried over to the Calendar of Monday, August 12, as unfinished business:

S.B. 1252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA.

H.B. 1534, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS.

H.B. 1245 (Senate Committee Substitute), 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.

H.B. 623 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS.

Upon motion of Senator Albertson, seconded by Senator Webster, the Senate adjourns at 9:18 A.M. to meet Monday, August 12, at 9:05 A.M.

TWO HUNDRED FOURTEENTH DAY

Senate Chamber
Monday, August 12, 2002

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:

"Dear God, prepare us all for the days ahead in the Senate. We know what happens when differing philosophies between the Senate and House collide over the budget."

"Help us to have good attributes as examples. We ask that you prepare Senator Kinnaird and Senator Reeves to be peacemakers in the process. Amen."

August 12, 2002

Senator Kinnaird announces that the Journal of Thursday, August 8, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message received 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. 402 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary II Committee**.

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. 1133, AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL. (Became law upon ratification, August 8, 2002–S.L.-2002-65.)

S.B. 1371, AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS. (Became law upon ratification, August 8, 2002–S.L.-2002-66.)

H.B. 1662, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND TO ANNEX OTHER DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK. (Became law upon ratification, August 8, 2002–S.L.-2002-67.)

H.B. 1544, AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 8, 2002–S.L.-2002-68.)

CALENDAR

The following bills on today's Calendar are carried over to the Calendar of Tuesday, August 13, as unfinished business:

S.B. 1252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA.

H.B. 1534, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS.

August 12, 2002

H.B. 1245 (Senate Committee Substitute), 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.

H.B. 623 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS.

Upon motion of Senator Reeves, seconded by Senator Kinnaird, the Senate adjourns at 9:27 A.M. to meet tomorrow, Tuesday, August 13, at 1:00 P.M.

TWO HUNDRED FIFTEENTH DAY

Senate Chamber
Tuesday, August 13, 2002

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, the attitude with which we begin a new week in the Senate impacts for good or bad all that follows. We are keenly aware that the reconciliation of a budget between the Senate and House will be before the Members.

"The Senators know that it will be impossible to fund all the needs of our State, but help them to be good listeners. With compassion, O God, you hear all our prayers yet cannot grant all our requests. Likewise, help us to act out of compassion and empathy even though unable to grant every request made of us. Amen."

The Chair grants leaves of absence for today to Senator Ballance, Senator Garrou, Senator Garwood, and Senator Harris.

Senator Clodfelter announces that the Journal of yesterday, Monday, August 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.

The President of the Senate extends courtesies of the floor to Dr. John T. Meredith from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Kelly Cobb from Yanceyville, 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. 1231, AN ACT TO AMEND G.S. 116-19 BY DEFINING THE TERMS "NEEDY NORTH CAROLINA STUDENTS" AND "INSTITUTIONAL METHODOLOGY". (Became law upon approval of the Governor, August 12, 2002--S.L.-2002-69.)

August 13, 2002

S.B. 1251, AN ACT TO MERGE THE DIVISION OF RADIATION PROTECTION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES INTO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO CREATE THE RADIATION PROTECTION SECTION OF THE DIVISION OF ENVIRONMENTAL HEALTH, AND TO MAKE CONFORMING STATUTORY CHANGES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 12, 2002–S.L.-2002-70.)

S.B. 1429, AN ACT TO MAKE CHANGES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO CONFORM WITH THE PROVISIONS OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001. (Became law upon approval of the Governor, August 12, 2002–S.L.-2002-71.)

S.B. 1160, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES AND TO PROVIDE A ONE-TIME EXTENSION TO THE TIME PERIOD IN WHICH A TAXPAYER MAY SIGN A LETTER OF COMMITMENT WITH THE DEPARTMENT OF COMMERCE TO QUALIFY FOR A LOWER TIER DESIGNATION. (Became law upon approval of the Governor, August 12, 2002–S.L.-2002-72.)

H.B. 1546, AN ACT TO PROVIDE CERTAIN OCCUPANCY LIMITATIONS FOR VEHICLES DRIVEN BY LEVEL 2 DRIVERS WITH LIMITED PROVISIONAL LICENSES. (Became law upon approval of the Governor, August 12, 2002–S.L.-2002-73.)

CALENDAR

Bills and resolutions on the Calendar carried forward as unfinished business from Monday, August 12, are taken up and disposed of, as follows:

H.B. 623 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, for adoption upon second reading.

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

WITHDRAWAL FROM COMMITTEE

H.B. 1545, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF ELK KNOB STATE NATURAL AREA AND BEECH CREEK BOG STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, referred to the **Appropriations/Base Budget Committee** on July 10.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for tomorrow, Wednesday, August 14, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for tomorrow, Wednesday, August 14.

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CALENDAR *(continued)*

H.B. 1534, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS.

With unanimous consent, upon motion of Senator Kerr, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, August 14.

H.B. 1245 (Senate Committee Substitute), 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.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, August 14.

WITHDRAWAL FROM COMMITTEE

S.B. 1346 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, referred to the **Finance Committee** on August 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Finance Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Finance Committee** and places it on today's Calendar.

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

CALENDAR *(continued)*

S.B. 1252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA, 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, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Hagan, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, 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—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, August 14, upon third reading.

S.B. 1346 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

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The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

S.B. 402 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES, referred to the **Judiciary II Committee** on August 12.

Pursuant to Rule 47(a), Senator Hagan offers a motion that the House Committee Substitute bill be withdrawn from the **Judiciary II Committee** 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 **Judiciary II Committee** and places it on today's Calendar.

CALENDAR *(continued)*

S.B. 402 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill

Upon motion of Senator Horton, the Senate fails to concur in the House Committee Substitute bill (0-45).

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

WITHDRAWAL FROM COMMITTEE

S.R. 1475, A SENATE RESOLUTION RECOGNIZING THE IMPORTANCE TO THE ECONOMY OF THE STATE OF NORTH CAROLINA OF BIOBASED AND VALUE-ADDED AGRIBUSINESS, referred to the **Rules and Operations of the Senate Committee** on July 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, August 14, which motion prevails with unanimous consent.

The Chair orders the resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, August 14.

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

H.B. 1575 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN STATUTES RELATED TO LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN CONNECTION WITH THE CLEANUP OF RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

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S.B. 1260, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH CULTIVATION LEASES IN CORE SOUND AND TO DIRECT THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO STUDY VARIOUS MARINE FISHERIES ISSUES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6893, which changes the title to read **S.B. 1260** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT UNITS OF LOCAL GOVERNMENT TO EVALUATE THEIR EFFORTS TO CONSERVE WATER, TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES GOVERNING WATER CONSERVATION AND WATER REUSE, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE WATER CONSERVATION AND WATER EFFICIENCY PROGRAMS IN THE STATE, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY METHODS TO FUND AND PROMOTE THE DEVELOPMENT OF GREEN POWER IN NORTH CAROLINA, is adopted and engrossed.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 402 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for Senate Bill 402 earlier today and the motion by Senator Horton to appoint conferees having prevailed, Senator Basnight President *Pro Tempore*, announces the appointment of Senator Horton, Chairman; Senator Bingham; Senator Reeves; 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 and requesting conferees.

H.B. 644 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

Pursuant to the message from the House of Representatives received on August 8 that the House fails to concur in the Senate Committee Substitute bill for House Bill 644 and requesting conferees, 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 Carrington and Senator Hoyle 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 Odom, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Wednesday, August 14, at 2:00 P.M.

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:

August 13, 2002

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

H.B. 1100, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF COUNTERFEITING NEGOTIABLE INSTRUMENTS, 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 8362, which changes the title to read **H.B. 1100** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CONSUMERS AND FINANCIAL INSTITUTIONS GREATER PROTECTION FROM FRAUDULENT FINANCIAL TRANSACTIONS, is adopted and engrossed.

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, 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 6477, which changes the title to read **H.B. 1649** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS AND TO AUTHORIZE JOHNSTON COUNTY TO CONSTRUCT WATER TREATMENT PLANT EXPANSION PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, is adopted and engrossed.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence, presented to the Senate, read the first time, and disposed of, as follows:

S.B. 1114 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VALOREM TAX RATE AND TO SET OUT THE BOUNDARIES OF THE TOWN OF NORMAN, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk.

S.B. 1115 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001, TO PROVIDE FOR A (10%) REDUCTION IN THE SALARY OF MEMBERS OF THE GENERAL ASSEMBLY FOR THE REMAINDER OF THE 2002-2003 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 14.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 13, 2002

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for S.B. 402, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES, and requests conferees, the Speaker appoints:

Representative Hackney, Chair;
Representative Insko,
Representative Sutton, 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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:50 P.M.

TWO HUNDRED SIXTEENTH DAY

Senate Chamber
Wednesday, August 14, 2002

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, each of us has spoken out on a subject for which we have deep convictions. Even when 100% right, there is no consolation in our effective oratory and words if they are expressed in a way that injures or belittles other people.

"Thank you for giving us strong convictions but help us weigh our words carefully, disregarding neither our respect for others nor honesty with ourselves. In your Holy Name we pray, Amen."

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

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Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, August 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.

The President of the Senate extends courtesies of the floor to Dr. Lynn Hughes from Concord, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

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

H.B. 1492, AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, AND TO DESIGNATE INTERSTATE HIGHWAY 95 AS THE PURPLE HEART MEMORIAL HIGHWAY.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1346, AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS.

CALENDAR

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

H.B. 1100 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CONSUMERS AND FINANCIAL INSTITUTIONS GREATER PROTECTION FROM FRAUDULENT FINANCIAL TRANSACTIONS.

Senator Clodfelter offers a motion that the Senate Committee Substitute bill be withdrawn from today's Calendar, 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 today's Calendar and re-refers the measure to the **Appropriations/Base Budget Committee**.

H.B. 1245 (Senate Committee Substitute), 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.

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

WITHDRAWAL FROM COMMITTEE

S.B. 1140, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES, referred to the **Judiciary I Committee** on June 3.

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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 **Judiciary II 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 **Judiciary II Committee**.

H.B. 1745, A BILL TO BE ENTITLED AN ACT TO REMOVE THE 300 PLATE REQUIREMENT FROM SPECIAL LICENSE PLATES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS' PLATES, referred to the **Transportation Committee** on July 29.

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

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

REPORTS OF COMMITTEES

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

By Senator Robinson for the **State and Local Government Committee**:

H.B. 1600, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONMENT OF JUNKED MOTOR VEHICLES IN THE CITY OF ALBEMARLE, with a favorable report.

H.B. 1627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN CRAVEN, NASH, AND PAMLICO COUNTIES, with a favorable report.

H.B. 1661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF LEE TO CONVEY THE GOLDEN POULTRY/GOLD KIST WATER PLANT AND RIVER INTAKE FACILITY AT PRIVATE SALE, with a favorable report.

H.B. 1691, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TROY REDEVELOPMENT COMMISSION TO CONVEY PROPERTY TO A NONPROFIT ORGANIZATION FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING IN A REDEVELOPMENT AREA, with a favorable report.

H.B. 1697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE WARREN FIELD AIRPORT COMMISSION TO LEASE PROPERTY FOR MORE THAN TEN YEARS, with a favorable report.

S.B. 1268, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF MONROE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, with a favorable report.

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CALENDAR *(continued)*

H.B. 1649 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS AND TO AUTHORIZE JOHNSTON COUNTY TO CONSTRUCT WATER TREATMENT PLANT EXPANSION PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

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.

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 1114 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VALOREM TAX RATE AND TO SET OUT THE BOUNDARIES OF THE TOWN OF NORMAN, ordered held in the Office of the Principal Clerk on August 13, pending referral.

Senator Rand, Chairman of the Rules and Operations of the Senate, announces the referral of the House Committee Substitute bill to the **Finance Committee**.

The Senate recesses at 2:25 P.M. for the purpose of an **Appropriations/Base Budget Committee** meeting to reconvene at 2:40 P.M.

RECESS

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

CALENDAR *(continued)*

S.B. 1252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA, 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, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—42.

Voting in the negative: None.

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

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:

August 14, 2002

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

S.B. 1248, A BILL TO BE ENTITLED AN ACT REDUCING THE COMPENSATION OF NONELECTED DEPARTMENT HEADS AND OTHER EXECUTIVE BRANCH OFFICIALS BY FIVE PERCENT FOR THE 2002-2003 FISCAL YEAR; CUTTING THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY BY FIVE PERCENT UNTIL THE CONVENING OF THE 2005 SESSION; AND URGING THE GOVERNOR, LIEUTENANT GOVERNOR, COUNCIL OF STATE MEMBERS, AND STATE JUSTICES AND JUDGES TO WAIVE VOLUNTARILY FIVE PERCENT OF THEIR STATE PAY FOR THE 2002-2003 FISCAL YEAR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6895, which changes the title to read **S.B. 1248** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A PENSION ASSURANCE FUND TO PROTECT THE RETIREMENT SAVINGS AND INVESTMENTS OF THE CITIZENS OF NORTH CAROLINA, is adopted and engrossed.

CALENDAR *(continued)*

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

S.B. 1260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT UNITS OF LOCAL GOVERNMENT TO EVALUATE THEIR EFFORTS TO CONSERVE WATER, TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES GOVERNING WATER CONSERVATION AND WATER REUSE, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE WATER CONSERVATION AND WATER EFFICIENCY PROGRAMS IN THE STATE, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY METHODS TO FUND AND PROMOTE THE DEVELOPMENT OF GREEN POWER IN NORTH CAROLINA.

The Committee Substitute bill passes its second reading (43-0).

Senator Foxx objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Thursday, August 15.

H.B. 1534, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS.

Senator Kerr offers Amendment No. 1 which is adopted (44-0).

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

The bill, as amended, passes its second (43-2) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1545, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF ELK KNOB STATE NATURAL AREA AND BEECH CREEK BOG STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1575 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN STATUTES RELATED TO LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN CONNECTION WITH THE CLEANUP OF RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 1115 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001, TO PROVIDE FOR A TEN PERCENT (10%) REDUCTION IN THE SALARY OF MEMBERS OF THE GENERAL ASSEMBLY FOR THE REMAINDER OF THE 2002-2003 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Plyler, the Senate fails to concur in the House Committee Substitute bill (0-45).

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

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1115 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001, TO PROVIDE FOR A TEN PERCENT (10%) REDUCTION IN THE SALARY OF MEMBERS OF THE GENERAL ASSEMBLY FOR THE REMAINDER OF THE 2002-2003 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for Senate Bill 1115 earlier today and the motion by Senator Plyler to appoint conferees having prevailed, Senator Basnight President *Pro Tempore*, announces the appointment of Senator Plyler, Senator Lee, and Senator Odom, Co-Chairs; Senator Albertson; Senator Ballance; Senator Dalton; Senator Dannelly; Senator Garrou; Senator Gulley; Senator Hagan; Senator Harris; Senator Hoyle; Senator Kerr; Senator Lucas; Senator Martin of Guilford; Senator Martin of Pitt; Senator Purcell; Senator Rand; Senator Reeves; Senator Swindell; Senator Thomas; Senator Warren; Senator Weinstein; 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 and requesting conferees.

CALENDAR (*continued*)

S.R. 1475, A SENATE RESOLUTION RECOGNIZING THE IMPORTANCE TO THE ECONOMY OF THE STATE OF NORTH CAROLINA OF BIOBASED AND VALUE-ADDED AGRIBUSINESS, for adoption.

Upon motion of Senator Albertson, the Senate Resolution is read in its entirety.

Upon motion of Senator Albertson the Senate Resolution is adopted (44-0).

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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.J.R. 1778, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LINWOOD EBORN MERCER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

The House joint resolution is ordered placed on the Calendar for tomorrow, Thursday, August 15.

WITHDRAWAL FROM COMMITTEE

H.B. 1686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE VILLAGE OF WHISPERING PINES TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE VILLAGE AND TO AUTHORIZE THE MOORE COUNTY BOARD OF COMMISSIONERS TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY, referred to the **State and Local Government Committee** on July 15.

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 placed on the Calendar for Thursday, August 15, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **State and Local Government Committee** and places it on the Calendar for Thursday, August 15.

Upon motion of Senator Basnight, seconded by Senator Shaw of Cumberland, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Thursday, August 15, at 10:05 A.M.

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. 1523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS.

Referred to **Finance Committee**.

H.B. 1540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION.

Referred to **Rules and Operations of the Senate Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence, presented to the Senate, read the first time and disposed of, as follows:

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO CREATE AN OCCUPANCY TAX DISTRICT IN THE TOWN OF SEVEN DEVILS, AND TO AUTHORIZE THE

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SEVEN DEVILS TAX DISTRICT TO LEVY AN OCCUPANCY TAX, for concurrence in House Amendments No. 1 and No. 2.

Referred to **Finance Committee**.

S.B. 1144 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES, for concurrence in the House Committee Substitute, which is placed on the Calendar for tomorrow, Thursday, August 15.

The following special messages are received from the House of Representatives:

House of Representatives
August 14, 2002

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for S.B. 1115, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001, TO PROVIDE FOR A TEN PERCENT (10%) REDUCTION IN THE SALARY OF MEMBERS OF THE GENERAL ASSEMBLY FOR THE REMAINDER OF THE 2002-2003 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, and requests conferees, the Speaker appoints:

Representatives Redwine, Easterling, Oldham, and Thompson, Co-Chairs; Allen, Baddour, Boyd-McIntyre, Buchanan, Cole, J. Crawford, Culpepper, Cunningham, Dedmon, Earle, Fox, Gibson, Hackney, Haire, Insko, Jeffus, Luebke, Michaux, Nye, Owen, Rogers, Sherrill, Smith, Tolson, Tucker, Wainwright, Wright, and Yongue,

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
August 14, 2002

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Redwine, Easterling and Oldham have been added as conferees to House Committee Substitute #2 for S.B. 1292, A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE ADDITIONAL LOCAL OPTION SALES TAX, THE REPEAL OF REIMBURSEMENTS, AND THE DECREASE IN THE STATE SALES TAX RATE; TO PROVIDE NO HOLD HARMLESS PAYMENTS IN THE 2002-2003 FISCAL YEAR OTHER THAN A PAYMENT EQUAL TO THE EXCESS, IF ANY, OF A LOCAL GOVERNMENT'S REPEALED REIMBURSEMENT AMOUNT OVER THREE TIMES IT'S ESTIMATED PROCEEDS FROM THE NEW TAX; TO DELAY THE INCREASE IN THE CHILD TAX CREDIT BY ONE YEAR; TO DELAY THE INCREASE IN THE STANDARD DEDUCTION FOR MARRIED PERSONS BY ONE YEAR; TO UPDATE THE REFERENCE DATE TO THE INTERNAL REVENUE

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CODE USED TO DEFINE AND DETERMINE CERTAIN STATE TAX PROVISIONS; TO CONFORM TO THE FEDERAL ANNUAL EXCLUSION AMOUNT FOR GIFT TAXES; TO DELAY THE EFFECT OF ACCELERATED DEPRECIATION UNDER SECTION 168 OF THE CODE AND SECTION 1400L OF THE CODE; TO DISREGARD THE PHASE-OUT OF THE STATE DEATH TAX CREDIT UNDER THE CODE; TO ALLOW THE SECRETARY OF REVENUE TO RECOUP A PORTION OF THE COSTS OF ADMINISTERING THE UNAUTHORIZED SUBSTANCES TAX FROM LOCAL SALES AND USE TAX DISTRIBUTIONS; TO SET THE INSURANCE REGULATORY FEE AND THE PUBLIC UTILITY REGULATORY FEES; TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR; TO CONFORM THE DEFINITION OF BUSINESS INCOME TO FEDERAL STANDARDS; TO PROVIDE THAT IN APPORTIONING CORPORATE INCOME TO THIS STATE FOR INCOME TAX PURPOSES, SALES OF TANGIBLE PERSONAL PROPERTY IN ANOTHER STATE OR COUNTRY WHERE THE SALES ARE NOT TAXABLE ARE NOT CONSIDERED; TO CLOSE A LOOPHOLE IN THE 2001 LEGISLATION INTENDED TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO AVOID FRANCHISE TAX LIABILITY BY TRANSFERRING ASSETS TO A LIMITED LIABILITY COMPANY; AND TO ENLARGE THE CLASS OF TAXPAYERS ELIGIBLE FOR AN ENHANCED CREDIT FOR INVESTING IN LOW-INCOME HOUSING IN A COUNTY THAT SUSTAINED SEVERE OR MODERATE DAMAGE FROM A HURRICANE IN 1999.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 6:00 P.M.

TWO HUNDRED SEVENTEENTH DAY

Senate Chamber
Thursday, August 15, 2002

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, Senators Odom and Moore were quoted today in the newspaper in reference to their remarks about 'binding wire and duct tape.'

"It's not that bad an image when we remember that you said, 'I will seek the lost, I will bring back the strayed, I will bind up the injured and strengthen the weak.' I like the idea of you binding our wounds and the budget. Who says that Holy Scripture doesn't speak to current issues? Amen."

The Chair grants leaves of absence for today to Senator Ballance, Senator Ballantine, Senator Berger, Senator Garrou, Senator Hagan, Senator Harris, Senator Martin of

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Guilford, Senator Rucho, and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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. Walter Pories from Greenville, North Carolina, who is serving the Senate as Doctor of the Day.

CALENDAR

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

H.J.R. 1778, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LINWOOD EBORN MERCER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Senator Martin of Pitt offers a motion that the House joint resolution be taken up out of its regular order of business and placed before the Senate for immediate consideration, which motion prevails.

With unanimous consent, upon motion of Senator Martin of Pitt, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the Senators memorializing the life and memory of Linwood Eborn Mercer, former Member of the House of Representatives, are spread upon the Journal, as follows:

Senator Martin of Pitt:

"Madame President and Members of the Senate, I apologize to you for putting this on the Calendar. I know that everybody is in a big hurry to go home. It looks like half of them have already deserted us and gone on. It was either that and the Rules Chairman said we had better get it on here because our future meetings are uncertain. So here we are and we have with us members of the family and, Madame President, at the proper time I wish that you would recognize them. We have Becky Mercer and Gary with us and also members of her staff. Alice, his wife, had to go home because of a medical situation. She had a meeting this morning and the other children with new babies thought it best that they go home, too. So here we are. Linwood Mercer and his family and I were dear friends. We got to know each other years ago. Linwood was a native of Pitt County. If you want anything funny told about Linwood, you will have to see Representative Zeno Edwards. He was raised with Zeno Edwards. Zeno was his dentist and he knows a lot of things about Linwood that I didn't know and he tells me a lot of things. Linwood was quite a character; he was educated and raised in Beaufort County and moved to Pitt County in 1974 and went into the warehousing business. It is noted that the warehousing goods and things for manufacturers and what have you so that they have a quick, short distance to be delivered. Being a good businessman that he was, he soon expanded into other businesses, a hardware store and real estate and Alice, his wife, ran the hardware store and I think in the real estate business he had a hired employee for that. Anyway, he expanded real fast and Linwood incorporated himself into what was known as The Mercer Group. It proved very good to him. Being the good businessman that he was, he wanted to be in a good community, a well-operated community, a business community that was out on the move and trying to go somewhere and he was real interested in that. He took the lead in that and he was elected Mayor not long after moving to Farmville and he served, I think, about five or six years as Mayor. If you went to Farmville at that time as I was doing and you wanted to get any notice or you wanted to get any political attention, you went to see Linwood Mercer first. He set the stage for it and if he didn't set the stage for it, you would have a heck of a time. He served as a County Commissioner of Pitt County for six years after that. Of course, he came to the

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Legislature for another six years. After losing the election for Congress, he decided to go into lobbying as you know. I know that he has lobbied some of you, not all of you, he was very successful in it. Linwood was a good fellow, he was a good man, always had a smile on his face. He was not brash, not overbearing, but someone who came to you very softly and you couldn't help but like the fellow and soon you'd find yourself trying to find ways to help him if he had a problem or if you had a problem he was always willing and ready to help you solve that problem. He could do it, too, in most cases. He was a man who wanted to help his fellow man. He just loved the people and wanted to help the people in their problems and in their positions, not brash at all. He wanted a good community, he was very interested in that which he worked at and later as a Representative he worked real hard. Everybody liked him and he was doing a good job in Pitt County and parts of Edgecombe County as a Representative. His family and my family spent a lot of time together over fried chicken that was fried by Representative Edith Warren, and she has quite a reputation for fried chicken and we have gotten to know each other real well through the years. They are a fine family and, as I noted, his daughter Becky, Madame President, is in the gallery and we would appreciate her recognition and thank you. I commend the resolution to you and urge its adoption."

Senator Kerr:

"I would like to say that Linwood Mercer is one of the most unique people I have ever known. I had the pleasure of both of us representing Greene County and we were known as the Greene Dream Team. Linwood had a little problem in the House for a while and he couldn't get quite to the source of help, but he was out there with the people at all times. Alice was back working and he was up here doing what he loved and that was politics. He is the best I have ever seen. I can't tell you, we are on TV, well hope we're not, or publicly, but he was one heck of a campaigner. I have seen him work. He had this magic cape that when in certain places things would appear and disappear and he had a lot of friends, black and white, in his district that remembered him because he brought home the bacon. You'd see him come here and he'd come up with some project and he'd say, 'Well, I can't help at this time in the House because we got some people there, but you go see Marc and do something for Greene County.', and he was an unusual guy. He loved his family, his wife, and his three beautiful girls. He loved people and he got to be very close to the Speaker after he retired. Then he became a real power here trying to represent his clients. He was the most committed full-time person, always having a good idea, always in close contact with the people and he was an amazing, amazing guy with people skills. I think he had a lot of businesses, but I don't know. His business was here though. His business was here in the Legislature and the political process, being a County Commissioner, but always looking out to make it a little better for a lot of people who don't have a lot. We were all just saddened and shocked, Sandra and I and my whole family, when the Lord called him home. But I am sure he is up there in Heaven now cutting deals, negotiating, telling the Lord what needs to be paid, unpaid, fixed and going around with his magic cape and things appear out of it and he brings it home to you. I have seen him do it. Anyway, this is a sad day but is certainly a happy day because he is sitting right up there, I think, kind of got everything under control and calling the shots as he did for his County and his State for a long time. I commend the resolution to you."

Senator Rand:

"Thank you very much Madame President and Ladies and Gentlemen of the Senate. Linwood Mercer was truly a great man. He was a great friend to our family and he and my sister were classmates in Chapel Hill together and Linwood became a good friend of our mother and he would go by and see her from time to time. That was a great source of laughter and joy in her life when Linwood would visit with her from time to time and I always greatly appreciated him doing that. He was a great friend of mine, he was a

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wonderful fellow to politic with, he was a wonderful fellow just to be with and he always brought a great deal of joy and pleasure to whatever involvement that you might have with him. So, I greatly support this resolution and I give thanks for the life of Linwood and thanks to his family for allowing us to share him with them over the years because he added a great deal to everything we do. Thank you."

Senator Miller:

"Thank you Madame President. Senator Martin of Pitt said that in his youth Linwood Mercer was quite a character. As near as I can tell that is not something that changed throughout the course of his lifetime. He was a character the whole time I knew him. After I was elected to the House in 1992, that was when Linwood was elected also and he was one of the first people I got to know and he quickly became the social chairman for our class. He invited us all over to his condominium, serving us scotch, becoming friends and I quickly realized that this place, the House and the Senate, is largely based upon personal relationships. He was a companionable guy, he was fun to be with. He did not take himself too seriously nor did he take any of the rest of us too seriously, which probably helped all of us to not take ourselves too seriously. I will miss Linwood, I will miss his scotch and I will miss his company."

Senator Dannelly:

"Thank you Madame President. When I first came to the Senate and went on my first conference trip and I was standing out at a reception and a young man I didn't know walked up and introduced himself with a big smile on his face. 'Hey, I'm Linwood Mercer.' I asked him, 'What do you do?' and he says, 'I'm across the hall from you.' From that point on we had been friends. Linwood never met a person, it seems, that he didn't like or could not get along with. One thing I found out about him, if he promised you something he would break his neck doing whatever he promised and he would put 150% behind it. He is one person that when his daughters would approach him, a smile would come across his face every time, and it was a beautiful thing to see on a father's face because of his love of his children, his daughters, his family. The last time that, Linwood liked a good time, and the last time we had a good time together was in Quebec, Canada. I am sorry to say that I was the only Senator there from North Carolina, but I thoroughly enjoyed that trip and thoroughly enjoyed getting to know Linwood better and I would say to his family, thank you for allowing him to be a friend of mine."

Senator Basnight:

"Thank you Madame President. Members of the Senate and to the family, thank you for being here. In thinking of Linwood, he certainly had a great love for his constituents and for the State of North Carolina and for us. This was his home as John said. This is the place of his business, but also he had other businesses as well, and that was the people of the district that he represented. He better knew the people that lived on the dirt roads than anyone I knew. He understood their difficulties, their strain in life. He could have commerce there, he had conversation there. I first met him through Bob Martin. There were ways that Linwood had of touching you. It was invisible and you didn't know it was going on. You knew Ed Warren was saying something about some need. Bob Martin had a more direct approach of, 'Why are you so slow? Why aren't we doing this?'. Then you could feel him come from different places, House members would show up. John Kerr, he has a hidden way of making sure things are known in his community without telling you about it until the very end. So, he would influence a lot of different people with his goals and with what he was trying to achieve. He was a person who cared a great deal about each and everyone in the General Assembly. He was a good human being. We will miss people like Linwood more later than we do today, because he brought to the building a connection

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to the people who lived on the dirt roads. We loved him and thank you very much."

The joint resolution passes its second reading (38-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Martin of Pitt, the President extends the courtesies of the gallery to Linwood Eborn Mercer's daughter, Becky, and family and friends.

H.B. 1627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN CRAVEN, NASH, AND PAMLICO COUNTIES.

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

S.B. 1268, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF MONROE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

The bill passes its second (38-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1600, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONMENT OF JUNKED MOTOR VEHICLES IN THE CITY OF ALBEMARLE.

The bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 1661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF LEE TO CONVEY THE GOLDEN POULTRY/GOLD KIST WATER PLANT AND RIVER INTAKE FACILITY AT PRIVATE SALE.

The Committee Substitute bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 1686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE VILLAGE OF WHISPERING PINES TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE VILLAGE AND TO AUTHORIZE THE MOORE COUNTY BOARD OF COMMISSIONERS TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY.

The Committee Substitute bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 1691, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TROY REDEVELOPMENT COMMISSION TO CONVEY PROPERTY TO A NONPROFIT ORGANIZATION FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING IN A REDEVELOPMENT AREA.

The bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 1697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE WARREN FIELD AIRPORT COMMISSION TO LEASE PROPERTY FOR MORE THAN TEN YEARS.

The Committee Substitute bill passes its second (39-0) and third readings and is ordered enrolled.

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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**:

H.B. 1620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, August 20.

H.B. 1745, A BILL TO BE ENTITLED AN ACT TO REMOVE THE 300 PLATE REQUIREMENT FROM SPECIAL LICENSE PLATES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS' PLATES, 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 6481, which changes the title to read **H.B. 1745** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE 300 PLATE REQUIREMENT FROM SPECIAL LICENSE PLATES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS' PLATES, TO MODIFY THE LOGO ON THE ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL LICENSE PLATE FOR AVIATION MAINTENANCE TECHNICIANS AND A SPECIAL LICENSE PLATE FOR THE STATE'S OFFICIAL VEGETABLE, THE SWEET POTATO, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, August 20.

ENROLLED BILLS

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

S.B. 1416, AN ACT TO IMPROVE THE LOW-INCOME HOUSING TAX CREDIT BY MAKING IT SIMPLER AND LESS COSTLY WHILE PROVIDING THE SAME LEVEL OF INCENTIVES FOR THE CONSTRUCTION OF LOW-INCOME HOUSING AND TO MODIFY THE FORMULA FOR CALCULATING NORTH CAROLINA ESTATE TAX ON ESTATES WITH PROPERTY IN MORE THAN ONE STATE.

H.B. 1099, AN ACT TO PERMIT THE WAIVER OF THE RIGHT OF EQUITY OF REDEMPTION BY FINANCIAL INSTITUTIONS IN CERTAIN SECURITIZED FINANCIAL ASSETS AND TO STUDY ITS APPLICABILITY TO OTHER BUSINESS ENTITIES.

H.B. 1545, AN ACT TO AUTHORIZE THE ADDITION OF ELK KNOB STATE NATURAL AREA AND BEECH CREEK BOG STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 1575, AN ACT TO CLARIFY CERTAIN STATUTES RELATED TO LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN

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CONNECTION WITH THE CLEANUP OF RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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. 1346, AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS. (Became law upon ratification, August 14, 2002--S.L.-2002-74.)

WITHDRAWAL FROM COMMITTEE

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS IN AVERY COUNTY TO LEVY AN ADDITIONAL 3% OCCUPANCY TAX, referred to the **Finance Committee** on August 14.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and places it on today's Calendar.

H.J.R. 1462, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID WEBSTER BUMGARDNER, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on August 8.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the House 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 House joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

H.B. 1540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION, referred to the **Rules and Operations of the Senate Committee** on August 14 .

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 re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

CALENDAR *(continued)*

S.B. 1248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A PENSION ASSURANCE FUND TO PROTECT THE RETIREMENT SAVINGS AND INVESTMENTS OF THE CITIZENS OF NORTH CAROLINA.

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

Senator Odom offers Amendment No. 1 which is adopted (37-0).

The Committee Substitute bill, as amended, passes its second (38-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT UNITS OF LOCAL GOVERNMENT TO EVALUATE THEIR EFFORTS TO CONSERVE WATER, TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES GOVERNING WATER CONSERVATION AND WATER REUSE, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE WATER CONSERVATION AND WATER EFFICIENCY PROGRAMS IN THE STATE, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY METHODS TO FUND AND PROMOTE THE DEVELOPMENT OF GREEN POWER IN NORTH CAROLINA.

With unanimous consent, upon motion of Senator Albertson, the Committee Substitute bill is moved to the end of today's Calendar.

S.B. 1144 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (37-1) and the measure 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 Dalton for the **Education/Higher Education Committee**:

S.B. 1443, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WAYS TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8777, which changes the title to read **S.B. 1443** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS, is adopted and engrossed.

Upon motion of Senator Dalton, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

H.J.R. 1462, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID WEBSTER BUMGARDNER, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, placed earlier on today's Calendar.

With unanimous consent, upon motion of Senator Hoyle, the rules are suspended and the House joint resolution is placed before the Senate for immediate consideration.

With unanimous consent, upon motion of Senator Hoyle, the joint resolution is read in its entirety.

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The joint resolution passes its second reading (38-0) and third reading with members standing and is ordered enrolled.

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO CREATE AN OCCUPANCY TAX DISTRICT IN THE TOWN OF SEVEN DEVILS, AND TO AUTHORIZE THE SEVEN DEVILS TAX DISTRICT TO LEVY AN OCCUPANCY TAX, for concurrence in House Amendments No. 1 and No. 2, which change the title to read **S.B. 1195**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS IN AVERY COUNTY TO LEVY AN ADDITIONAL 3% OCCUPANCY TAX, placed earlier on today's Calendar.

Upon motion of Senator Foxx, the Senate concurs in House Amendments No. 1 and No. 2, on its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Bingham, Carpenter, Carrington, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—38.

Voting in the negative: None.

The bill remains on the Calendar for Monday, August 19, for concurrence in House Amendments No. 1 and No. 2, upon third reading.

S.B. 1443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (38-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT UNITS OF LOCAL GOVERNMENT TO EVALUATE THEIR EFFORTS TO CONSERVE WATER, TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES GOVERNING WATER CONSERVATION AND WATER REUSE, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE WATER CONSERVATION AND WATER EFFICIENCY PROGRAMS IN THE STATE, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY METHODS TO FUND AND PROMOTE THE DEVELOPMENT OF GREEN POWER IN NORTH CAROLINA, temporarily displaced earlier.

Senator Foxx offers Amendment No. 1.

Senator Albertson offers Amendment No. 2 as a substitute Amendment for Amendment No. 1, which is adopted (36-2).

The Committee Substitute bill, as amended, passes its third reading (36-0) and is ordered engrossed and sent to the House of Representatives.

APPOINTMENT OF ADDITIONAL CONFERE

S.B. 1115 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001, TO PROVIDE FOR A TEN PERCENT (10%) REDUCTION IN THE SALARY OF MEMBERS OF THE GENERAL ASSEMBLY FOR THE REMAINDER OF THE 2002-2003 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator

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Metcalf 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 Warren, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet Monday, August 19, at 10:05 A.M.

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. 1685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX TERRITORY AND DEANNEX TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF FOUR OAKS.

Referred to **Finance Committee**.

The following special message is received from the House of Representatives:

House of Representatives
August 15, 2002

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representative Cunningham has been removed as a conferee to House Committee Substitute for S.B. 1115, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001, TO PROVIDE FOR A TEN PERCENT (10%) REDUCTION IN THE SALARY OF MEMBERS OF THE GENERAL ASSEMBLY FOR THE REMAINDER OF THE 2002-2003 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Respectfully,
S/Denise Weeks
Principal Clerk

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 Purcell for the **Health Care Committee**:

H.B. 1508 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION

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AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, 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 4279, which changes the title to read **H.B. 1508** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, is adopted and engrossed.

Upon motion of Senator Purcell, the Senate Committee Substitute bill is re-referred to the **Judiciary II Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:55 P.M.

TWO HUNDRED EIGHTEENTH DAY

Senate Chamber
Monday, August 19, 2002

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:

"Dear Lord, be with the fifty-four conferees and leadership during their negotiation of a State budget. Since you changed water into wine, healed the sick, made the blind to see, we trust you can do something to make one voice out of many in this budget reconciliation. Prove us right, Amen."

Senator Lucas announces that the Journal of Thursday, August 15, 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. 1308, AN ACT TO CONFIRM THE DATE ON WHICH STATE REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE BECOMES EFFECTIVE AND TO PROVIDE THAT GASOLINE THAT MEETS FEDERAL REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE SHALL BE DEEMED TO COMPLY WITH STATE

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REQUIREMENTS GOVERNING THE CONCENTRATION OF SULFUR IN GASOLINE DURING THE TWO-YEAR PERIOD ALLOWED FOR THE TRANSITION TO LOW-SULFUR GASOLINE BY FEDERAL REGULATIONS. (Became law upon approval of the Governor, August 16, 2002–S.L.-2002-75.)

H.B. 148, AN ACT TO ALLOW MORE THAN TWO NONPROFIT WATER CORPORATIONS TO JOIN CERTAIN WATER AND SEWER AUTHORITIES. (Became law upon approval of the Governor, August 16, 2002–S.L.-2002-76.)

H.B. 622, AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY DECLARE THAT THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS NOT AN UNREASONABLY DANGEROUS ACTIVITY AND DOES NOT CONSTITUTE A NUISANCE PER SE; TO PROVIDE THAT THE AUTHORITY TO BRING SUIT AGAINST ANY FIREARM OR AMMUNITION MARKETER, MANUFACTURER, DISTRIBUTOR, DEALER, SELLER, OR TRADE ASSOCIATION BY OR ON BEHALF OF ANY GOVERNMENTAL UNIT FOR REMEDIES RESULTING FROM OR RELATED TO THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS RESERVED EXCLUSIVELY TO THE STATE; AND TO PROVIDE THAT ANY SUCH ACTION SHALL BE BROUGHT BY THE ATTORNEY GENERAL ON BEHALF OF THE STATE. (Became law upon approval of the Governor, August 16, 2002–S.L.-2002-77.)

S.B. 759, AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY. (Became law upon approval of the Governor, August 16, 2002–S.L.-2002-78.)

Upon motion of Senator Miller, seconded by Senator Lucas, the Senate adjourns subject to ratification of bills, to meet Thursday, August 22, at 9:05 A.M.

ENROLLED BILLS

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

S.B. 1144, AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES.

H.B. 1520, AN ACT TO EXTEND THE SUNSET ON TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS, TO AMEND THE DEFINITION OF QUALIFIED GRANTEE BUSINESS, TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, AND TO CLARIFY AND AMEND THE NORTH CAROLINA STATE PORTS AUTHORITY'S FEE-SETTING AUTHORITY.

The Enrolling Clerk reports the following bills and resolutions duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 1394, AN ACT PROVIDING THAT THE CITY OF CHARLOTTE MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS

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THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY.

H.B. 1600, AN ACT AFFECTING THE REGULATION OF ABANDONMENT OF JUNKED MOTOR VEHICLES IN THE CITY OF ALBEMARLE.

H.B. 1661, AN ACT TO ALLOW THE COUNTY OF LEE TO CONVEY THE GOLDEN POULTRY/GOLD KIST WATER PLANT AND RIVER INTAKE FACILITY AT PRIVATE SALE.

H.B. 1686, AN ACT AUTHORIZING THE VILLAGE OF WHISPERING PINES TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE VILLAGE AND TO AUTHORIZE THE MOORE COUNTY BOARD OF COMMISSIONERS TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY.

H.B. 1691, AN ACT AUTHORIZING THE TROY REDEVELOPMENT COMMISSION TO CONVEY PROPERTY TO A NONPROFIT ORGANIZATION FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING IN A REDEVELOPMENT AREA.

H.B. 1697, AN ACT TO PERMIT THE WARREN FIELD AIRPORT COMMISSION TO LEASE PROPERTY FOR MORE THAN TEN YEARS.

H.J.R. 1462, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID WEBSTER BUMGARDNER, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY. (Res. 10)

H.J.R. 1778, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LINWOOD EBORN MERCER, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 11)

Pursuant to Senator Miller's motion to adjourn having prevailed, the Senate adjourns at 3:05 P.M.

TWO HUNDRED NINETEENTH DAY

Senate Chamber
Thursday, August 22, 2002

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:

"Convening a session with so few of the Senate members here leaves us somewhat wanting.

"Wanting a faithful and just resolution to the serious deliberations on the budget, wanting the members to return, wanting the matters of this session to go according to our own schedules.

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"But scripture says, 'Let patience have her perfect work, that you may be perfect, wanting nothing.'

"Help us to be patient and live up to the high calling of scripture today. Amen."

Senator Reeves announces that the Journal of Monday, August 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.

The Principal Clerk extends courtesies of the floor to Dr. Michael M. Marushack from Southport, North Carolina, who is serving the Senate as Doctor of the Day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 1541 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELINEATE THE NOLICHUCKY RIVER BASIN FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT RELATED TO THE REVIEW AND REVISION OF THE APPLICABLE BASINWIDE WATER QUALITY MANAGEMENT PLAN.

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

H.B. 1777 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF CERTAIN ADMINISTRATIVE RULES GOVERNING SANITATION OF HOSPITALS, NURSING HOMES, REST HOMES, AND OTHER INSTITUTIONS; TO PROVIDE FOR A FIELD TEST OF THOSE RULES; TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND THOSE RULES; AND TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND A RELATED RULE.

Referred to **Health Care Committee**.

H.J.R. 1779, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HOWARD B. CHAPIN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

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. 1394, AN ACT PROVIDING THAT THE CITY OF CHARLOTTE MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY. (Became law upon ratification, August 19, 2002–S.L.-2002-79.)

H.B. 1600, AN ACT AFFECTING THE REGULATION OF ABANDONMENT OF JUNKED MOTOR VEHICLES IN THE CITY OF ALBEMARLE. (Became law upon ratification, August 19, 2002–S.L.-2002-80.)

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H.B. 1661, AN ACT TO ALLOW THE COUNTY OF LEE TO CONVEY THE GOLDEN POULTRY/GOLD KIST WATER PLANT AND RIVER INTAKE FACILITY AT PRIVATE SALE. (Became law upon ratification, August 19, 2002-S.L.-2002-81.)

H.B. 1686, AN ACT AUTHORIZING THE VILLAGE OF WHISPERING PINES TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE VILLAGE AND TO AUTHORIZE THE MOORE COUNTY BOARD OF COMMISSIONERS TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY. (Became law upon ratification, August 19, 2002-S.L.-2002-82.)

H.B. 1691, AN ACT AUTHORIZING THE TROY REDEVELOPMENT COMMISSION TO CONVEY PROPERTY TO A NONPROFIT ORGANIZATION FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING IN A REDEVELOPMENT AREA. (Became law upon ratification, August 19, 2002-S.L.-2002-83.)

H.B. 1697, AN ACT TO PERMIT THE WARREN FIELD AIRPORT COMMISSION TO LEASE PROPERTY FOR MORE THAN TEN YEARS. (Became law upon ratification, August 19, 2002-S.L.-2002-84.)

CALENDAR

The following bills on today's Calendar are carried over to the Calendar of Monday, August 26, as unfinished business:

H.B. 1620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

H.B. 1627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN CRAVEN, NASH, AND PAMLICO COUNTIES.

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS IN AVERY COUNTY TO LEVY AN ADDITIONAL 3% OCCUPANCY TAX.

H.B. 1745 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE 300 PLATE REQUIREMENT FROM SPECIAL LICENSE PLATES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS' PLATES, TO MODIFY THE LOGO ON THE ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL LICENSE PLATE FOR AVIATION MAINTENANCE TECHNICIANS AND A SPECIAL LICENSE PLATE FOR THE STATE'S OFFICIAL VEGETABLE, THE SWEET POTATO.

H.B. 1245 (Senate Committee Substitute), 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

August 22, 2002

REQUIREMENTS WHEN APPLYING FOR A DRIVERS LICENSE OR IDENTIFICATION CARD.

Upon motion of Senator Kinnaird, seconded by Senator Warren, the Senate adjourns subject to ratification of bills, to meet Monday, August 26, at 10:05 A.M.

ENROLLED BILLS

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

S.B. 1224, AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO ALLOW THE OFFICE OF ADMINISTRATIVE HEARINGS TO USE THE INTERNET FOR AGENCY PUBLICATIONS AND TO CONFORM THE ADMINISTRATIVE PROCEDURE ACT TO PROVISIONS OF CHAPTER 12 OF THE GENERAL STATUTES RELATING TO RULES WHICH ESTABLISH OR INCREASE FEES.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1367, AN ACT TO PROVIDE THAT BERTIE, COLUMBUS, AND GREENE COUNTIES, AND THE TOWN OF WINDSOR MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

Pursuant to Senator Kinnaird's motion to adjourn having prevailed, the Senate adjourns at 10:32 A.M.

TWO HUNDRED TWENTIETH DAY

Senate Chamber
Monday, August 26, 2002

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:

"Dear Lord, we get bits and pieces of news from the conferees like, 'Until we settle the revenue issue, there's little to negotiate.' or, 'We may be in session until October.'

"Rather than form opinions based on these outtakes, let us continue to diligently pray for the process of negotiation this week.

"Rather than 'politics and business as usual', let there be unusual progress in the budget talks this week. Amen."

Senator Reeves announces that the Journal of Thursday, 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.

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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. 1367, AN ACT TO PROVIDE THAT BERTIE, COLUMBUS, AND GREENE COUNTIES, AND THE TOWN OF WINDSOR MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES. (Became law upon ratification, August 22, 2002–S.L.-2002-85.)

H.B. 1492, AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, AND TO DESIGNATE INTERSTATE HIGHWAY 95 AS THE PURPLE HEART MEMORIAL HIGHWAY. (Became law upon approval of the Governor, August 22, 2002–S.L.-2002-86.)

S.B. 1416, AN ACT TO IMPROVE THE LOW-INCOME HOUSING TAX CREDIT BY MAKING IT SIMPLER AND LESS COSTLY WHILE PROVIDING THE SAME LEVEL OF INCENTIVES FOR THE CONSTRUCTION OF LOW-INCOME HOUSING AND TO MODIFY THE FORMULA FOR CALCULATING NORTH CAROLINA ESTATE TAX ON ESTATES WITH PROPERTY IN MORE THAN ONE STATE. (Became law upon approval of the Governor, August 22, 2002–S.L.-2002-87.)

H.B. 1099, AN ACT TO PERMIT THE WAIVER OF THE RIGHT OF EQUITY OF REDEMPTION BY FINANCIAL INSTITUTIONS IN CERTAIN SECURITIZED FINANCIAL ASSETS AND TO STUDY ITS APPLICABILITY TO OTHER BUSINESS ENTITIES. (Became law upon approval of the Governor, August 22, 2002–S.L.-2002-88.)

H.B. 1545, AN ACT TO AUTHORIZE THE ADDITION OF ELK KNOB STATE NATURAL AREA AND BEECH CREEK BOG STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 22, 2002–S.L.-2002-89.)

H.B. 1575, AN ACT TO CLARIFY CERTAIN STATUTES RELATED TO LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN CONNECTION WITH THE CLEANUP OF RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 22, 2002–S.L.-2002-90.)

CALENDAR

The following bills on today's Calendar are carried over to the Calendar of Tuesday, August 27, as unfinished business:

H.B. 1620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

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H.B. 1627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN CRAVEN, NASH, AND PAMLICO COUNTIES.

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO CREATE AN OCCUPANCY TAX DISTRICT IN THE TOWN OF SEVEN DEVILS, AND TO AUTHORIZE THE SEVEN DEVILS TAX DISTRICT TO LEVY AN OCCUPANCY TAX.

H.B. 1745 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE 300 PLATE REQUIREMENT FROM SPECIAL LICENSE PLATES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS' PLATES, TO MODIFY THE LOGO ON THE ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL LICENSE PLATE FOR AVIATION MAINTENANCE TECHNICIANS AND A SPECIAL LICENSE PLATE FOR THE STATE'S OFFICIAL VEGETABLE, THE SWEET POTATO.

H.B. 1245 (Senate Committee Substitute), 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.

Upon motion of Senator Miller, seconded by Senator Reeves, the Senate adjourns at 10:06 A.M. to meet tomorrow, Tuesday, August 27, at 1:05 P.M.

TWO-HUNDRED TWENTY-FIRST DAY

Senate Chamber
Tuesday, August 27, 2002

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 offer gratitude for all that you have enabled us to do for the good of those we serve whether we are Senators, or FFA members, or just individuals. Help us to affirm that there is no limit to what can be accomplished if it doesn't matter who other than you gets the credit. Amen."

The Chair grants leaves of absence for today to Senator Ballance, Senator Hartsell, and Senator Martin of Pitt.

Senator Rand announces that the Journal of yesterday, Monday, August 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.

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The President of the Senate extends courtesies of the floor to Dr. Michael Lancaster from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

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

H.B. 1534, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS.

REPORTS OF COMMITTEES

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

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

S.B. 1123, A BILL TO BE ENTITLED AN ACT MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6901, is adopted and engrossed.

S.B. 1281, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6902, which changes the title to read **S.B. 1281** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY TORT CLAIM AND DUTY TO DEFEND EMPLOYEES LIABILITY OF OCCUPATIONAL LICENSING BOARDS; TO PROVIDE FOR FLEXIBILITY IN DISCIPLINARY MATTERS AND TO SECURE EXAM SCORES BY THE REAL ESTATE COMMISSION; AND TO AUTHORIZE THE BOARD OF LANDSCAPE ARCHITECTS TO RETAIN PRIVATE COUNSEL, is adopted and engrossed.

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

WITHDRAWAL FROM COMMITTEE

H.B. 1100 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CONSUMERS AND FINANCIAL INSTITUTIONS GREATER PROTECTION FROM FRAUDULENT FINANCIAL TRANSACTIONS, referred to the **Appropriations/Base Budget Committee** on August 14.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Judiciary I 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 **Judiciary I Committee**.

August 27, 2002

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. 348, A BILL TO BE ENTITLED AN ACT TO REPEAL MISCELLANEOUS FEES PAID BY INSURANCE COMPANIES TO THE DEPARTMENT OF INSURANCE; AND TO INCREASE THE INSURANCE COMPANY LICENSE APPLICATION AND RENEWAL FEES TO MAKE THE REPEALS REVENUE NEUTRAL, 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 6482, which changes the title to read **H.B. 348** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE COMPLIANCE WITH THE TOBACCO ESCROW STATUTE, is adopted and engrossed.

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

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

H.B. 1540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION, with a favorable report.

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

S.B. 1140, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4764, which changes the title to read **S.B. 1140** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF A CONVENTION CENTER IN THE STATE'S ABC LAW, is adopted and engrossed.

H.B. 1276 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS AND TO EQUALIZE PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS, 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, 8369, which changes the title to read **H.B. 1276** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS BY EQUALIZING PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS, is adopted and engrossed.

August 27, 2002

WITHDRAWAL FROM COMMITTEE

H.B. 1307, A BILL TO BE ENTITLED AN ACT RELATING TO THE CONVERSION OF EXISTING RESIDENTIAL DEVELOPMENTS TO PLANNED COMMUNITIES, referred to the **Rules and Operations of the Senate Committee** on April 25, 2001.

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 2:12 P.M. for the purpose of an **Appropriations/Base Budget Committee** meeting to reconvene at 3:00 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 Garwood, Senator Kinnaird, and Senator Lee.

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**:

S.B. 1113, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8779, which changes the title to read **S.B. 1113** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002, is adopted and engrossed.

With unanimous consent, upon motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

H.B. 1724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE, with a favorable report.

H.B. 1657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6493, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

H.B. 1187 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF THE SPONSOR OR INITIATOR OF A PERSUASIVE POLL, referred to the **Rules and Operations of the Senate Committee** on May 1, 2001.

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 re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

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

REPORTS OF COMMITTEES

A standing committee report is submitted out of its 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 Hagan for the **Judiciary II Committee**:

H.B. 1581 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING ELECTRONIC SIGNATURES AND PLATS FILED WITH THE CABARRUS AND MECKLENBURG COUNTY REGISTERS OF DEEDS, 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 8370, which changes the title to read **H.B. 1581** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS FILED WITH THE CABARRUS COUNTY AND MECKLENBURG COUNTY REGISTERS OF DEEDS AND AUTHORIZING RESIDENT OR SUPERIOR COURT JUDGES AND DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES, is adopted and engrossed.

H.B. 1508 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, 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, 4286, which changes the title to read **H.B. 1508** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S

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RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS, is adopted and engrossed.

CALENDAR

Bills and resolutions on the Calendar carried forward as unfinished business from Monday, August 26, are taken up and disposed of, as follows:

H.B. 1245 (Senate Committee Substitute), 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.

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

WITHDRAWAL FROM CALENDAR

S.B. 1140 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF A CONVENTION CENTER IN THE STATE'S ABC LAW, placed on the Calendar for tomorrow, Wednesday, August 28.

Senator Hagan, offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Wednesday, August 28, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill be withdrawn from the Calendar for Wednesday, August 28, and places it on today's Calendar.

ENROLLED BILLS

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

S.B. 1154, AN ACT TO EXPAND THE LIST OF SECTIONS OF THE NORTH CAROLINA CONDOMINIUM ACT THAT APPLY TO CONDOMINIUMS CREATED ON OR BEFORE OCTOBER 1, 1986, AND TO CODIFY AN APPLICABILITY PROVISION RELATING TO THE NORTH CAROLINA PLANNED COMMUNITY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

S.B. 1218, AN ACT TO IMPROVE THE ENFORCEMENT OF TAX LAWS BY CRIMINALIZING OR INCREASING THE PENALTY FOR CERTAIN FORMS OF TAX FRAUD AND BY ALLOWING THE DEPARTMENT OF REVENUE TO DISCLOSE CERTAIN INFORMATION TO LAW ENFORCEMENT AGENCIES.

S.B. 1253, AN ACT TO PROVIDE THAT CERTAIN ANIMAL WASTE MANAGEMENT SYSTEMS SHALL NOT QUALIFY FOR SPECIAL PROPERTY CLASSIFICATION AND EXCLUSION FROM THE TAX BASE PURSUANT TO G.S. 105-275(8) AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO

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STUDY ISSUES RELATED TO THE TAX EXCLUSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 1407, AN ACT TO ESTABLISH A CONTRACT RIGHT REGARDING THE TIMING OF PAYMENTS UNDER CONTRACTS REQUIRING REIMBURSEMENT OF FEDERAL FUEL EXCISE TAXES AND TO MAKE VARIOUS MOTOR FUEL EXCISE TAX CHANGES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1336, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM.

S.B. 1392, AN ACT TO REDUCE THE REQUIRED STORAGE PERIOD FOR UNCLAIMED PROPERTY HELD BY LAW ENFORCEMENT IN MECKLENBURG COUNTY.

H.B. 1649, AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS AND TO AUTHORIZE JOHNSTON COUNTY TO CONSTRUCT WATER TREATMENT PLANT EXPANSION PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence, presented to the Senate, read the first time and disposed of, as follows:

S.B. 1170 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING ADDITIONAL METHODS FOR BIDDING ON PUBLIC PROCUREMENT CONTRACTS, AND AMENDING THE LAW REGARDING BRAND NAME SPECIFICATION IN THE COMPETITIVE BIDDING PROCESS FOR PUBLIC CONTRACTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 28.

S.B. 1232 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WITH AT LEAST TEN YEARS OF SERVICE TO CONTINUE AS MEMBERS AFTER THE TAKEOVER OF A VOLUNTEER DEPARTMENT BY A CITY OR COUNTY; AND TO EXEMPT VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL SERVICES PERSONNEL AND RESCUE SQUAD WORKERS FROM OVERTIME AND MINIMUM WAGE LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 28.

S.B. 1238 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL

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GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO 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 28.

S.B. 1441 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA, INCLUDING THE NORTH CAROLINA ARBORETUM, FROM THE UMSTEAD ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 28.

Special messages are received from the House of Representatives transmitting bills and a resolution which are read the first time and disposed of, as follows:

H.B. 1734 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RAISE THE INVESTMENT THRESHOLD FOR THE CREDIT FOR INVESTING IN MACHINERY AND EQUIPMENT; TO ESTABLISH TIERED RATES FOR THE CREDIT FOR INVESTING IN MACHINERY AND EQUIPMENT; TO REQUIRE A TAXPAYER AND ITS RELATED ENTITIES TO SATISFY ANY OUTSTANDING STATE TAX ASSESSMENTS BEFORE RECEIVING A BILL LEE ACT CREDIT; TO MODIFY THE WAGE STANDARD FOR THE CREDIT FOR WORKER TRAINING; TO MODIFY THE WAGE STANDARD FOR ENTERPRISE TIER ONE AND TWO COUNTIES; TO MODIFY THE WAGE STANDARD FOR TAXPAYERS WITH A TAX YEAR OTHER THAN A CALENDAR YEAR; TO TREAT CERTAIN PARCELS OF LAND PARTIALLY LOCATED IN A DEVELOPMENT ZONE AS IF THE ENTIRE PARCEL WERE LOCATED WITHIN THE DEVELOPMENT ZONE; TO ENACT A JOB DEVELOPMENT INVESTMENT GRANT PROGRAM TO PROVIDE ECONOMIC STIMULUS, TO CREATE JOBS, AND TO AID IN THE DEVELOPMENT OF BUSINESS AND INDUSTRIAL PROJECTS AND EXPANSIONS IN NORTH CAROLINA; TO MODIFY THE INDUSTRIAL DEVELOPMENT FUND TO ALLOW FOR EXPENDITURES RELATED TO TELECOMMUNICATIONS AND BROADBAND LINES AND EQUIPMENT AND TO ALLOW FOR EXPENDITURES FROM THE UTILITY ACCOUNT IN ENTERPRISE TIER THREE AREAS; AND TO MAKE A TECHNICAL CORRECTION REGARDING THE AUTHORITY OF A LOCAL GOVERNMENT TO LEVY A PROPERTY TAX FOR ECONOMIC DEVELOPMENT.

Referred to **Finance Committee**.

H.B. 1766 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HONORARY LISTON B. RAMSEY MOUNTED HORSE/CAISSON PATROL UNIT.

Referred to **Rules and Operations of the Senate Committee**.

H.J.R. 1783, A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CENTER FOR MISSING PERSONS TO ACCEPT AND EXPEND PRIVATE DONATIONS FOR THE NORTH CAROLINA CHILD ALERT NOTIFICATION SYSTEM – NCCAN (AMBER ALERT),

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TO ESTABLISH CRITERIA TO TRIGGER AN "AMBER ALERT", TO COORDINATE THE PUBLIC AND PRIVATE SECTORS, AND TO PROVIDE FOR THE USE OF DEPARTMENT OF TRANSPORTATION CHANGEABLE MESSAGE SIGNS TO DISPLAY INFORMATION REGARDING MISSING CHILDREN.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows (*See Appendix.*):

Executive Order Number 26, Water System Protection.

CALENDAR (*continued*)

H.B. 1620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hoyle, 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—42.

Voting in the negative: None.

H.B. 1627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN CRAVEN, NASH, AND PAMLICO COUNTIES.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

S.B. 1195, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS IN AVERY COUNTY TO LEVY AN ADDITIONAL 3% OCCUPANCY TAX, for concurrence in House Amendments No. 1 and No. 2, upon third reading.

The Senate concurs in House Amendments No. 1 and No. 2 on its third reading, by roll-call vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hoyle, Kerr, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—40.

Voting in the negative: Senator Wellons—1.

The bill is ordered enrolled.

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H.B. 1745 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE 300 PLATE REQUIREMENT FROM SPECIAL LICENSE PLATES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS' PLATES, TO MODIFY THE LOGO ON THE ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL LICENSE PLATE FOR AVIATION MAINTENANCE TECHNICIANS AND A SPECIAL LICENSE PLATE FOR THE STATE'S OFFICIAL VEGETABLE, THE SWEET POTATO.

The Chair rules that the Senate Committee Substitute bill does not require a call of the roll.

Senator Albertson offers Amendment No. 1 which is adopted (43-0), and changes the title to read **H.B. 1745** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE 300 PLATE REQUIREMENT FROM SPECIAL LICENSE PLATES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS' PLATES, TO MODIFY THE LOGO ON THE ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL LICENSE PLATE FOR AVIATION MAINTENANCE TECHNICIANS, NORTH CAROLINA AGRIBUSINESS, AND THE STATE'S OFFICIAL VEGETABLE, THE SWEET POTATO.

The Senate Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 1113 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002, placed earlier on today's Calendar.

Senator Ballantine offers Amendment No. 1 which is adopted (41-3).

The Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 1140 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF A CONVENTION CENTER IN THE STATE'S ABC LAW, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (37-5) and third readings and is ordered sent to the House of Representatives.

H.J.R. 1783, A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CENTER FOR MISSING PERSONS TO ACCEPT AND EXPEND PRIVATE DONATIONS FOR THE NORTH CAROLINA CHILD ALERT NOTIFICATION SYSTEM – NCCAN (AMBER ALERT), TO ESTABLISH CRITERIA TO TRIGGER AN "AMBER ALERT", TO COORDINATE THE PUBLIC AND PRIVATE SECTORS, AND TO PROVIDE FOR THE USE OF DEPARTMENT OF TRANSPORTATION CHANGEABLE MESSAGE SIGNS TO DISPLAY INFORMATION REGARDING MISSING CHILDREN, placed earlier on today's Calendar.

The joint resolution passes its second (43-0) and third readings and is ordered enrolled.

Upon motion of Senator Rand, seconded by Senator Odom, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet tomorrow, Wednesday, August 28, at 10:00 A.M.

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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. 1040 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS SECOND TIER BENEFIT QUALIFICATION FOR NORTH CAROLINA.

Referred to **Finance Committee**.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 6:05 P.M.

TWO-HUNDRED TWENTY-SECOND DAY

Senate Chamber
Wednesday, August 28, 2002

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 Lord, we don't generally solve the important decisions put before us by making expedient, short-lived decisions.

"More often we are dragged down by such comfort-protecting decisions. Today, help us dare to make choices based on a deep and abiding faith in you.

"It won't amuse, but it just might save the day. In your Holy Name we pray, Amen."

*Taken from *On a Journey* by Tom Ehrich

The Chair grants leaves of absence for today to Senator Garwood, Senator Hartsell, Senator Lee, Senator Rucho, Senator Shaw of Guilford and Senator Swindell.

Senator Rand announces that the Journal of yesterday, Tuesday, 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 *Pro Tempore* of the Senate extends courtesies of the floor to Dr. Paul Berger from Clinton, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1195, AN ACT TO AUTHORIZE THE TOWNS IN AVERY COUNTY TO LEVY AN ADDITIONAL 3% OCCUPANCY TAX.

H.B. 1627, AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND
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OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN CRAVEN, NASH, AND PAMLICO COUNTIES.

H.J.R. 1783, A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CENTER FOR MISSING PERSONS TO ACCEPT AND EXPEND PRIVATE DONATIONS FOR THE NORTH CAROLINA CHILD ALERT NOTIFICATION SYSTEM – NCCAN (AMBER ALERT), TO ESTABLISH CRITERIA TO TRIGGER AN "AMBER ALERT", TO COORDINATE THE PUBLIC AND PRIVATE SECTORS, AND TO PROVIDE FOR THE USE OF DEPARTMENT OF TRANSPORTATION CHANGEABLE MESSAGE SIGNS TO DISPLAY INFORMATION REGARDING MISSING CHILDREN. (Res. 12)

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. 1336, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM. (Became law upon ratification, August 27, 2002–S.L.-2002-91.)

S.B. 1392, AN ACT TO REDUCE THE REQUIRED STORAGE PERIOD FOR UNCLAIMED PROPERTY HELD BY LAW ENFORCEMENT IN MECKLENBURG COUNTY. (Became law upon ratification, August 27, 2002–S.L.-2002-92.)

H.B. 1649, AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS AND TO AUTHORIZE JOHNSTON COUNTY TO CONSTRUCT WATER TREATMENT PLANT EXPANSION PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES. (Became law upon ratification, August 27, 2002–S.L.-2002-93.)

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

CALENDAR

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

H.B. 1620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Clark, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hoyle, Kerr, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of

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Guilford, Soles, Thomas, Warren, Webster, Weinstein and Wellons—39.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1657 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM.

The Senate Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 1123 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS.

The Committee Substitute bill passes its second reading (42-0).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the measure placed on the Calendar for tomorrow, Thursday, August 29.

H.B. 1276 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS BY EQUALIZING PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS.

Upon motion of Senator Metcalf, the President *Pro Tempore* orders, without objection, the Senate Committee Substitute bill No. 2 temporarily displaced.

H.B. 1508 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS.

Senator Hagan offers Amendment No. 1 which is adopted (41-0).

Senator Berger offers Amendment No. 2.

Upon motion of Senator Hagan, the President *Pro Tempore* orders, without objection, the Senate Committee Substitute bill No. 2, as amended, temporarily displaced, with Amendment No. 2 pending.

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:

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By Senator Lucas for the **Education/Higher Education Committee**:

H.B. 190 (Committee Substitute), 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, 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 4288, which changes the title to read **H.B. 190** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE AUTHORIZATION TO MANUFACTURE, POSSESS, AND SELL WINE FOR CERTAIN LIMITED PURPOSES AS A PART OF A COMMUNITY COLLEGE'S OR COLLEGE'S VITICULTURE/ENOLOGY PROGRAM, is adopted and engrossed.

Upon motion of Senator Lucas, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 1276 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS BY EQUALIZING PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS, temporarily displaced earlier.

Senator Metcalf offers Amendment No. 1 which is adopted (40-0).

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

H.B. 1540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION.

Senator Albertson offers Amendment No. 1 which is adopted (41-0) and changes the title to read **H.B. 1540** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION AND TO AUTHORIZE COUNTIES AND CITIES TO ORDER THE REMOVAL OF A SWIMMING POOL UPON A FINDING THAT THE SWIMMING POOL IS DANGEROUS OR PREJUDICIAL TO PUBLIC HEALTH OR SAFETY.

The Committee Substitute bill, as amended, passes its second reading (38-3). Senator Forrester objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore*, orders the Committee Substitute bill, as amended, placed on the Calendar for tomorrow, Thursday, August 29.

H.B. 1581 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS FILED WITH THE CABARRUS COUNTY AND MECKLENBURG COUNTY REGISTERS OF DEEDS AND AUTHORIZING RESIDENT OR SUPERIOR COURT JUDGES AND DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

Senator Odom offers Amendment No. 1 which is adopted (41-0).

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The Senate Committee Substitute bill, as amended, passes its second reading (41-0).

Upon motion of Senator Metcalf, the President *Pro Tempore* orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

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

H.B. 1724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1245 (Senate Committee Substitute), 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.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, August 29.

S.B. 1170 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING ADDITIONAL METHODS FOR BIDDING ON PUBLIC PROCUREMENT CONTRACTS, AND AMENDING THE LAW REGARDING BRAND NAME SPECIFICATION IN THE COMPETITIVE BIDDING PROCESS FOR PUBLIC CONTRACTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Reeves, the Senate concurs in the House Committee Substitute bill (40-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1232 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WITH AT LEAST TEN YEARS OF SERVICE TO CONTINUE AS MEMBERS AFTER THE TAKEOVER OF A VOLUNTEER DEPARTMENT BY A CITY OR COUNTY; AND TO EXEMPT VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL SERVICES PERSONNEL AND RESCUE SQUAD WORKERS FROM OVERTIME AND MINIMUM WAGE LAWS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill (40-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1238 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO THE RETIREMENT SYSTEMS DIVISION.

With unanimous consent, upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, August 29.

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S.B. 1441 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA, INCLUDING THE NORTH CAROLINA ARBORETUM, FROM THE UMSTEAD ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Carter, the Senate concurs in the House Committee Substitute bill (38-2) and the measure is ordered enrolled and sent to the Governor.

H.B. 1581 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS FILED WITH THE CABARRUS COUNTY AND MECKLENBURG COUNTY REGISTERS OF DEEDS AND AUTHORIZING RESIDENT OR SUPERIOR COURT JUDGES AND DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES, as amended, temporarily displaced earlier.

Senator Hagan offers Amendment No. 2 which is adopted (40-0).

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

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

H.B. 1508 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS, as amended, temporarily displaced earlier, with Amendment No. 2 pending.

Senator Berger offers Amendment No. 3 as a Substitute Amendment for Amendment No. 2, which is adopted (41-0), and changes the title to read **H.B. 1508** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM A TERRORIST INCIDENT USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS.

Upon motion of Senator Martin of Guilford, the President *Pro Tempore* orders, without objection, the Senate Committee Substitute bill No. 2, as amended, temporarily displaced.

H.B. 190 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE AUTHORIZATION TO MANUFACTURE, POSSESS, AND SELL WINE FOR

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CERTAIN LIMITED PURPOSES AS A PART OF A COMMUNITY COLLEGE'S OR COLLEGE'S VITICULTURE/ENOLOGY PROGRAM, placed earlier on today's Calendar.

Senator Dalton offers Amendment No. 1 which is adopted (41-0).

The Senate Committee Substitute bill, as amended, passes its second (41-0) 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.

The Senate recesses at 11:54 A.M. to reconvene at 3:00 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 Gulley, Senator Moore and Senator Weinstein.

Upon the appearance of Senator Lee and Senator Swindell in the Chamber, the Chair acknowledges their presence and the leaves of absence granted previously are withdrawn.

ENROLLED BILLS

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

S.B. 1170, AN ACT AUTHORIZING ADDITIONAL METHODS FOR BIDDING ON PUBLIC PROCUREMENT CONTRACTS, AND AMENDING THE LAW REGARDING BRAND NAME SPECIFICATION IN THE COMPETITIVE BIDDING PROCESS FOR PUBLIC CONTRACTS.

S.B. 1232, AN ACT TO ALLOW MEMBERS OF THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WITH AT LEAST TEN YEARS OF SERVICE TO CONTINUE AS MEMBERS AFTER THE TAKEOVER OF A VOLUNTEER DEPARTMENT BY A CITY OR COUNTY; AND TO EXEMPT VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL SERVICES PERSONNEL AND RESCUE SQUAD WORKERS FROM OVERTIME AND MINIMUM WAGE LAWS.

S.B. 1441, AN ACT TO EXEMPT CERTAIN ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA, INCLUDING THE NORTH CAROLINA ARBORETUM, FROM THE UMSTEAD ACT.

H.B. 1724, AN ACT TO CLARIFY THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1620, AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

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WITHDRAWAL FROM CALENDAR

S.B. 1123 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS, placed on the Calendar for Thursday, August 29.

Senator Webster offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Thursday, August 29, and placed on today's Calendar for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Thursday, August 29 and places it on today's Calendar for immediate consideration.

The Committee Substitute bill passes its third reading (38-0) and is ordered sent to the House of Representatives.

CALENDAR *(continued)*

H.B. 1508 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS, as amended, temporarily displaced earlier.

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

Senator Dannelly offers Amendment No. 4 which is adopted (38-0).

Senator Wellons offers Amendment No. 5 which is adopted (38-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second (37-1) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

Upon motion of Senator Rand, seconded by Senator Webster, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet tomorrow, Thursday, August 29, at 9:00 A.M.

ENROLLED BILL

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

H.B. 190, AN ACT TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE AUTHORIZATION TO MANUFACTURE, POSSESS, AND SELL WINE FOR CERTAIN LIMITED PURPOSES AS A PART OF A COMMUNITY COLLEGE'S OR COLLEGE'S VITICULTURE/ENOLOGY PROGRAM.

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SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence, presented to the Senate, read the first time, and disposed of, as follows:

S.B. 901 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A ONE-TIME TRANSFER OF STATE FUNDS TO SUPPORT EXCESS PROGRAM ENROLLMENT IN THE NC HEALTH CHOICE PROGRAM, for concurrence in the House Committee Substitute bill.

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

S.B. 1113 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002, AND TO PROVIDE THAT NO MEMBER OF THE GENERAL ASSEMBLY SHALL RECEIVE PER DIEM OR TRAVEL ALLOWANCE ON ACCOUNT OF THE 2001 REGULAR SESSION OR 2002 EXTRA SESSION OF THE GENERAL ASSEMBLY BETWEEN OCTOBER 1, 2002, AND DECEMBER 31, 2002, for concurrence in the House Committee Substitute bill.

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

S.B. 1037 (House 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, 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, August 29.

S.B. 911 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT AND DISSEMINATE GUIDELINES FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO IMPLEMENT THESE GUIDELINES, for concurrence in the House Committee Substitute bill.

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

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 5:10 P.M.

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TWO-HUNDRED TWENTY-THIRD DAY

Senate Chamber
Thursday, August 29, 2002

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 Lord, this is a most unusual and difficult time in the Senate. This is an election year. There are colleagues of the same party running against each other in primary elections. There are Senators sorting through their years of service here, having decided not to run again. There's a budget still to be negotiated."

"I know how other people have described 'defining moments', like hoisting a flag at Iwo Jima, the heroism of September 11, Moses experiencing the burning bush.

"Today, I pray that these Senators will experience something of a defining moment, when the wealth of their experience, their knowledge of the needs of the people, and their passion for helping will energize their actions during the remaining days in this legislative session. Amen."

The Chair grants leaves of absence for today to Senator Ballance, Senator Berger, Senator Carpenter, Senator Carrington, Senator Carter, Senator Clodfelter, Senator Forrester, Senator Garwood, Senator Gulley, Senator Hagan, Senator Hartsell, Senator Kerr, Senator Martin of Pitt, Senator Metcalf, Senator Moore, Senator Rucho, Senator Shaw of Guilford, Senator Soles and Senator Weinstein.

Senator Rand announces that the Journal of yesterday, Wednesday, 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.

The President of the Senate extends courtesies of the floor to Dr. Edwin Preston from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

CALENDAR

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

H.B. 1245 (Senate Committee Substitute), 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.

Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from today's Calendar and placed on the Calendar for Thursday, September 12.

Senator Webster offers a substitute motion that the Senate Committee Substitute bill be postponed indefinitely, which motion fails to prevail (8-19).

Upon the previous motion by Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and placed on the Calendar for Thursday, September 12.

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S.B. 1238 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO THE RETIREMENT SYSTEMS DIVISION.

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

S.B. 901 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A ONE-TIME TRANSFER OF STATE FUNDS TO SUPPORT EXCESS PROGRAM ENROLLMENT IN THE NC HEALTH CHOICE PROGRAM.

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 Tuesday, September 3.

H.B. 1540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION, as amended on second reading, which changes the title upon concurrence to read **H.B. 1540** (Committee Substitute), A BILL TO ENTITLED AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION AND TO AUTHORIZE COUNTIES AND CITIES TO ORDER THE REMOVAL OF A SWIMMING POOL UPON A FINDING THAT THE SWIMMING POOL IS DANGEROUS OR PREJUDICIAL TO PUBLIC HEALTH OR SAFETY.

The Committee Substitute bill, as amended, passes its third reading (26-1) and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

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

WITHDRAWAL FROM CALENDAR

S.B. 901 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A ONE-TIME TRANSFER OF STATE FUNDS TO SUPPORT EXCESS PROGRAM ENROLLMENT IN THE NC HEALTH CHOICE PROGRAM, placed on the Calendar for Tuesday, September 3.

Senator Rand offers a motion that the rules be suspended and that the House Committee Substitute bill be withdrawn from the Calendar for Tuesday, September 3, and placed before the Senate for immediate consideration 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 Tuesday, September 3, and places it before the Senate for immediate consideration.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (32-0) and the measure is ordered enrolled and sent to the Governor by special message.

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CALENDAR *(continued)*

S.B. 911 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT AND DISSEMINATE GUIDELINES FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO IMPLEMENT THESE GUIDELINES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (32-0) and the measure is ordered enrolled and sent to the Governor by special message.

S.B. 1037 (House 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, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Hoyle, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-32).

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

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1037 (House 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.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for Senate Bill 1037 earlier today and the motion by Senator Hoyle to appoint conferees having prevailed, Senator Rand announces the appointment of Senator Hoyle, Chairman; Senator Cunningham; Senator Garwood; 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.

CALENDAR *(continued)*

S.B. 1113 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002, AND TO PROVIDE THAT NO MEMBER OF THE GENERAL ASSEMBLY SHALL RECEIVE PER DIEM OR TRAVEL ALLOWANCE ON ACCOUNT OF THE 2001 REGULAR SESSION OR

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2002 EXTRA SESSION OF THE GENERAL ASSEMBLY BETWEEN OCTOBER 1, 2002, AND DECEMBER 31, 2002, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Plyler, the Senate concurs in the House Committee Substitute bill (29-3) and the measure is ordered enrolled and sent to the Governor by special message.

ENROLLED BILL

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

S.B. 1262, AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ENTER INTO MUTUAL AID AGREEMENTS WITH LAW ENFORCEMENT AGENCIES ON BEHALF OF ITS SPECIAL PEACE OFFICERS WHO HAVE BEEN DESIGNATED FOR THE PURPOSE OF ENFORCING THE LAW GOVERNING THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Senate recesses at 10:03 A.M. for the purpose of a **Finance Committee** meeting and subject to ratification of bills, to reconvene at 10:20 A.M.

RECESS

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

ENROLLED BILLS

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

S.B. 901, AN ACT TO ALLOW A ONE-TIME TRANSFER OF STATE FUNDS TO SUPPORT EXCESS PROGRAM ENROLLMENT IN THE NC HEALTH CHOICE PROGRAM.

S.B. 911, AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT AND DISSEMINATE GUIDELINES FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO IMPLEMENT THESE GUIDELINES.

S.B. 1113, AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002, AND TO PROVIDE THAT NO MEMBER OF THE GENERAL ASSEMBLY SHALL RECEIVE PER DIEM OR TRAVEL ALLOWANCE ON ACCOUNT OF THE 2001 REGULAR SESSION OR 2002 EXTRA SESSION OF THE GENERAL ASSEMBLY BETWEEN OCTOBER 1, 2002, AND DECEMBER 31, 2002.

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:

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

H.B. 1490 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR, 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 5456, which changes the title to read **H.B. 1490** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR AND TO CLARIFY THE FRANCHISE TAX ON ELECTRIC POWER COMPANIES, is adopted and engrossed.

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

The Senate Committee Substitute bill passes its second (31-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

RECOGNITION OF MISS NORTH CAROLINA

With unanimous consent, upon motion of Senator Reeves, the privileges of the floor are extended to Miss North Carolina 2002, Misty Clymer. Senator Lee, Senator Miller, Senator Purcell, and Senator Reeves are appointed to escort Miss North Carolina to the Well of the Senate.

Upon motion of Senator Foxx, the remarks of Senator Basnight, Senator Miller, Senator Reeves, and Miss North Carolina, are spread upon the Journal, as follows:

Senator Reeves:

"Thank you Mr. President. I would like to present to the Senate Miss Misty Clymer from Raleigh, North Carolina. She has lived in a number of states and she works for IBM; she is an accountant there. Her big issue that she has for the State right now, and I would like to address that to Ed Warren, deals with the importance of CPR and basic life saving techniques. Ed has been a real champion of these issues here. Welcome to the Senate and we look forward to your thoughts."

Miss North Carolina:

"President *Pro Tempore* Basnight, Members of the Senate, Ladies and Gentlemen, the opportunity to embark on a year of service as Miss North Carolina has been an opportunity to observe and appreciate the true beauty of our State - its people. Since I was crowned, I've traveled from the mountains to the coast making personal appearances, giving interviews, and meeting our citizens. I believe that even though we all came here on different ships, we are all on the same boat now. I came to be Miss North Carolina in a unique time, one of economic transition, workplace uncertainty, and also at a time of unprecedented patriotism and national resolve. I sought the title of Miss North Carolina for the scholarship. It would provide me an opportunity to pursue my master's degree at Campbell University. My undergraduate degree is in accounting and I work as an accountant for IBM in the Research Triangle Park. I saw, firsthand, the results of the slump in the technology industry and that experience has provided me the theme for my service as Miss North Carolina. I understand the challenges in our economy and I have dedicated myself to speaking about the need for corporate accountability, economic development, and encouraging and celebrating the commitment to our communities. For

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over sixty-five years, the Miss North Carolina Pageant has existed to make the academic and career dreams of young women a reality. The Miss North Carolina Pageant, first and foremost, gives its participants life skills. It gives young women the opportunity to pursue education but also to pursue important life goals. Community service, scholarship, and performance are the hallmark of this program. The Miss North Carolina pageant encourages young women to not wait until they're older to make a difference. They encourage them to have a voice now. My Miss America story has been ongoing for the past six years. The pageant has given me the opportunity to complete my undergraduate degree and has given me a forum to discuss an important issue that is very close to my heart - CPR and basic life saving education. One in three Americans will be presented with the opportunity to assist in an emergency situation. Sadly, Americans are not prepared for this situation. I have ... at the Red Cross for several years in CPR education and I know the importance of this training. I serve on the IBM Emergency Response Team and I have been called upon to administer emergency treatment. I am committed to enhancing community-based support services for emergency first-aid care. I will leave on September 6, with all the other Miss America 2002 Contestants, for Philadelphia for a couple of days and then we will move on to Atlantic City for the actual pageant. The pageant will be televised on ABC on September 21. This opportunity is one that I take very seriously because Miss America is a celebrity and this will allow me to advocate for first-aid both to a corporate culture that needs to have faith restored, as well as for physically injured people who need emergency medical treatment. I am proud to be Miss North Carolina, I am proud to be a North Carolinian. Leadership opportunities come to us in a variety of ways and I have seized upon this opportunity to serve as Miss North Carolina 2002 as my chance to lead, as an ambassador for our State and as a spokesperson for issues that affect quality of life. I truly believe that the road to success is always under construction. Our aim must be to use tools we are given and opportunities we are blessed with to create positive change in our communities. I, along with you, eagerly accept this challenge because if we place others first we will never be last. Thank you."

Senator Miller:

"We do have something for you to remember your visit to the Senate. We have a flag of the State of North Carolina that is presented to you on behalf of Senator Basnight and all the Members of the Senate. We hope you will take this and remember us and perhaps you can display this in your hotel room in Atlantic City."

Miss North Carolina:

"Absolutely. The Miss America Convention Hall actually encourages banners and flags to be flown, so this will be flown right beside my family in the Miss America Convention Hall. I appreciate this gift. Thank you."

Senator Basnight:

"You represent the finest of all the States and you will do so properly and, hopefully, bring back the crown as Miss America, but if not, remember that this is a State that gives opportunity and properly so on behalf of freedoms, gives the best educational opportunity of all States, and it's a State of great love for its people. God Speed."

The President *Pro Tempore* recognizes the Committee to escort Miss North Carolina from the Chamber.

Upon motion of Senator Gulley, seconded by Senator Rand, the Senate adjourns at 10:51 A.M. to meet tomorrow, Friday, August 30, at 9:05 A.M.

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TWO-HUNDRED TWENTY-FOURTH DAY

Senate Chamber
Friday, August 30, 2002

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:

"As we prepare for the Labor Day holiday weekend, O God, we are aware of the many people who have lost jobs and careers due to the economy. Income can be replaced but more devastating to many is the loss of their vision for the future and their self-esteem.

"Reach out to these people and restore to them a joy for living and a place at which to resume their vocations. Those of us with jobs are more grateful than words can express. As part of our good fortune, help us to bless others on this Labor Day weekend. Amen."

Senator Reeves announces that the Journal of Thursday, 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.

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. 1195, AN ACT TO AUTHORIZE THE TOWNS IN AVERY COUNTY TO LEVY AN ADDITIONAL 3% OCCUPANCY TAX. (Became law upon ratification, August 28, 2002–S.L.-2002-94.)

H.B. 1620, AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, August 28, 2002–S.L.-2002-95.)

H.B. 1627, AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN CRAVEN, NASH, AND PAMLICO COUNTIES. (Became law upon ratification, August 28, 2002–S.L.-2002-96.)

S.B. 1224, AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO ALLOW THE OFFICE OF ADMINISTRATIVE HEARINGS TO USE THE INTERNET FOR AGENCY PUBLICATIONS AND TO CONFORM THE ADMINISTRATIVE PROCEDURE ACT TO PROVISIONS OF CHAPTER 12 OF THE GENERAL STATUTES RELATING TO RULES WHICH ESTABLISH OR INCREASE FEES. (Became law upon approval of the Governor, August 29, 2002–S.L.-2002-97.)

S.B. 1144, AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES. (Became law upon approval of the Governor, August 29, 2002–S.L.-2002-98.)

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H.B. 1520, AN ACT TO EXTEND THE SUNSET ON TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS, TO AMEND THE DEFINITION OF QUALIFIED GRANTEE BUSINESS, TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, AND TO CLARIFY AND AMEND THE NORTH CAROLINA STATE PORTS AUTHORITY'S FEE-SETTING AUTHORITY. (Became law upon approval of the Governor, August 29, 2002--S.L.-2002-99.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence, presented to the Senate, read the first time and disposed of, as follows:

S.B. 1275 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL, for concurrence in the House Committee Substitute bill.

Pursuant to Rule 43, the House Committee Substitute bill is ordered held in the Office of the Principal Clerk.

S.B. 1312 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND THE TOWNS OF HOPE MILLS AND SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432 AND TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES, AND PROVIDING FOR A TIME TO TAKE OFFICE IN 2002

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FOR THE RICHMOND COUNTY BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill.

Pursuant to Rule 43, the House Committee Substitute bill is ordered held in the Office of the Principal Clerk.

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 1402 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 1736, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO ISSUE A RETIRED LEGISLATOR SPECIAL LICENSE PLATE.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

Senator Reeves offers a motion that Rule 20 be suspended, which motion prevails.

Upon motion of Senator Reeves, the Senate adjourns at 9:20 A.M. to meet tomorrow, Tuesday, September 3, at 9:05 A.M.

TWO-HUNDRED TWENTY-FIFTH DAY

Senate Chamber
Tuesday, September 3, 2002

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:

"It was Einstein who said either nothing is a miracle or everything is, a jagged mountain range, lilacs in bloom, a peacock unfurled, sun on your arm, the touch of a stranger.

"Take your pick. Be surprised by nothing at all, or by everything that is. Amen."

**By Maryanne Hannan*

Senator Lucas announces that the Journal of Friday, August 30, 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

September 3, 2002

following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 901, AN ACT TO ALLOW A ONE-TIME TRANSFER OF STATE FUNDS TO SUPPORT EXCESS PROGRAM ENROLLMENT IN THE NC HEALTH CHOICE PROGRAM. (Became law upon approval of the Governor, August 29, 2002-S.L. 2002-100.)

S.B. 1113, AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002, AND TO PROVIDE THAT NO MEMBER OF THE GENERAL ASSEMBLY SHALL RECEIVE PER DIEM OR TRAVEL ALLOWANCE ON ACCOUNT OF THE 2001 REGULAR SESSION OR 2002 EXTRA SESSION OF THE GENERAL ASSEMBLY BETWEEN OCTOBER 1, 2002, AND DECEMBER 31, 2002. (Became law upon approval of the Governor, August 29, 2002-S.L. 2002-101.)

H.B. 190, AN ACT TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE AUTHORIZATION TO MANUFACTURE, POSSESS, AND SELL WINE FOR CERTAIN LIMITED PURPOSES AS A PART OF A COMMUNITY COLLEGE'S OR COLLEGE'S VITICULTURE/ENOLOGY PROGRAM. (Became law upon approval of the Governor, August 29, 2002-S.L. 2002-102.)

Upon motion of Senator Odom, seconded by Senator Lucas, the Senate adjourns at 9:06 A.M. to meet Thursday, September 5, at 10:05 A.M.

TWO-HUNDRED TWENTY-SIXTH DAY

Senate Chamber
Thursday, September 5, 2002

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:

"O God, at the beginning of a cafeteria line in a Church School was a large tray of red, juicy apples with a sign that said, 'Take one apple only, God is watching.'

"At the other end of the same line was a large tray of cookies in front of which a student placed a sign, 'Take all you want, God is watching the apples.'

"If we could only get over the notion that God is a lunch truant officer, and instead be thankful for his watchfulness over us.

"The psalmist put it this way, 'The Lord shall preserve your coming in and your going out from this time forth forever more.' Amen."

Senator Odom announces that the Journal of Tuesday, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

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House of Representatives
September 4, 2002

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute #2 for S.B. 1037, 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, and requests conferees, the Speaker appoints:

Representative Gibson, Chair;
Representative McMahan, and
Representative Hackney

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 received 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. 1161 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES, TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, for concurrence in the House Committee Substitute bill.

Pursuant to Rule 43, the House Committee Substitute bill is ordered held in the Office of the Principal Clerk.

WITHDRAWAL FROM CLERK'S OFFICE

Bills received in the Office of the Principal Clerk from the House of Representatives and ordered held in the Office of the Principal Clerk on August 30, are withdrawn from the Clerk's Office and referred as follows:

S.B. 1275 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING

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THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL, received for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, September 9.

S.B. 1312 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND THE TOWNS OF HOPE MILLS AND SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES, AND PROVIDING FOR A TIME TO TAKE OFFICE IN 2002 FOR THE RICHMOND COUNTY BOARD OF EDUCATION, received for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, September 9.

H.B. 1402 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING.

Referred to **Judiciary I Committee**.

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. 1564 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES WITH EXPLICIT AUTHORITY TO ASSESS A CIVIL PENALTY FOR A VIOLATION

September 5, 2002

INVOLVING A VOLUNTARY REMEDIAL ACTION UNDER THE INACTIVE HAZARDOUS SITES PROGRAM CONDUCTED BY A PRIVATE ENVIRONMENTAL CONSULTING OR ENGINEERING FIRM AND TO EXPAND THE ENVIRONMENTAL PERMIT WAIVER AUTHORITY UNDER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

H.B. 1572 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

WITHDRAWAL FROM CLERK'S OFFICE

H.B. 1736, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO ISSUE A RETIRED LEGISLATOR SPECIAL LICENSE PLATE, ordered held in the Office of the Principal Clerk on August 30, pending referral to committee.

The bill is withdrawn from the Clerk's office and referred to the **Rules and Operations of the Senate Committee**.

Upon motion of Senator Plyler, seconded by Senator Odom, the Senate adjourns subject to ratification of bills, to meet Monday, September 9, at 9:05 A.M.

ENROLLED BILLS

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

H.B. 1540, AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION AND TO AUTHORIZE COUNTIES AND CITIES TO ORDER THE REMOVAL OF A SWIMMING POOL UPON A FINDING THAT THE SWIMMING POOL IS DANGEROUS OR PREJUDICIAL TO PUBLIC HEALTH OR SAFETY.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1469, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON ON THE 225TH ANNIVERSARY OF HIS BIRTH. (Res. 13)

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

H.B. 1581, AN ACT AFFECTING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS FILED WITH THE CABARRUS COUNTY AND MECKLENBURG COUNTY REGISTERS OF DEEDS AND AUTHORIZING RESIDENT OR SUPERIOR COURT JUDGES AND DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

September 5, 2002

Pursuant to Senator Plyler's motion to adjourn having prevailed, the Senate adjourns at 10:41 A.M.

TWO-HUNDRED TWENTY-SEVENTH DAY

Senate Chamber
Monday, September 9, 2002

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:

"We hear that progress is being made in the budget negotiations. We pray there is no roadblock to a final agreement. There are other important events this week, the Primary Elections, a sub-tropical storm off our coast, and our own unspoken concerns.

"We pray for your presence in all that is a part of our lives. Amen."

Senator Lucas announces that the Journal of Thursday, September 5, 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.

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 Number 27, Proclamation of State Disaster for the City of Cherryville, City of Shelby and the Cleveland County Sanitary District, Excluding the City of Kings Mountain.

Executive Order Number 28, Ensuring Needs of School Children are Met Given Increase in Student Enrollment, Budget Developments, and School Openings.

Executive Order Number 29, Emergency Relief for Livestock Producers Affected by Hay Shortages Due to Drought.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A special message received 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. 1146 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, September 12.

September 9, 2002

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 1726 (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.

Referred to **Finance Committee**.

H.B. 1785 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CENTER FOR MISSING PERSONS TO ACCEPT AND EXPEND PRIVATE DONATIONS FOR THE NORTH CAROLINA CHILD ALERT NOTIFICATION SYSTEM - NC CAN (AMBER ALERT), TO ESTABLISH CRITERIA TO TRIGGER AN "AMBER ALERT", TO COORDINATE THE PUBLIC AND PRIVATE SECTORS, AND TO PROVIDE FOR THE USE OF DEPARTMENT OF TRANSPORTATION CHANGEABLE MESSAGE SIGNS TO DISPLAY INFORMATION REGARDING MISSING CHILDREN.

Referred to **Judiciary I Committee**.

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 1161 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES, TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, ordered held in the Office of the Principal Clerk on September 5.

The House Committee Substitute bill is withdrawn from the Clerk's Office and is placed on the Calendar for Thursday, September 12.

CALENDAR

The following bills on today's Calendar are carried over to the Calendar of Thursday, September 12, as unfinished business:

S.B. 1238 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO THE RETIREMENT SYSTEMS DIVISION.

S.B. 1312 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND THE TOWNS OF HOPE MILLS AND SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN

September 9, 2002

LARGER COUNTIES, AND PROVIDING FOR A TIME TO TAKE OFFICE IN 2002 FOR THE RICHMOND COUNTY BOARD OF EDUCATION.

S.B. 1275 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

Upon motion of Senator Reeves, seconded by Senator Swindell, the Senate adjourns at 9:16 A.M. to meet Thursday, September 12, at 9:05 A.M.

TWO-HUNDRED TWENTY-EIGHTH DAY

Senate Chamber
Thursday, September 12, 2002

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:

"The presence of the Highway Patrol outside the building today reminded us that our world will never be the same again.

"Yesterday, O God, we tried our best to put the events of September 11, 2001, into perspective, honoring the dead and praying for those who lost family and friends. Through your grace the work of the Senate of North Carolina can help make the world in which we live a better place.

September 12, 2002

"Grant your mercy and leadership to the Senate family, we pray, as they work to make a difference one day at a time. Amen."

Senator Reeves announces that the Journal of Monday, September 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.

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. 911, AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT AND DISSEMINATE GUIDELINES FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO IMPLEMENT THESE GUIDELINES. (Became law upon approval of the Governor, September 5, 2002–S.L. 2002-103.)

S.B. 1253, AN ACT TO PROVIDE THAT CERTAIN ANIMAL WASTE MANAGEMENT SYSTEMS SHALL NOT QUALIFY FOR SPECIAL PROPERTY CLASSIFICATION AND EXCLUSION FROM THE TAX BASE PURSUANT TO G.S. 105-275(8) AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY ISSUES RELATED TO THE TAX EXCLUSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, September 6, 2002–S.L. 2002-104.)

H.B. 1534, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS. (Became law upon approval of the Governor, September 6, 2002–S.L. 2002-105.)

S.B. 1218, AN ACT TO IMPROVE THE ENFORCEMENT OF TAX LAWS BY CRIMINALIZING OR INCREASING THE PENALTY FOR CERTAIN FORMS OF TAX FRAUD AND BY ALLOWING THE DEPARTMENT OF REVENUE TO DISCLOSE CERTAIN INFORMATION TO LAW ENFORCEMENT AGENCIES. (Became law upon approval of the Governor, September 6, 2002–S.L. 2002-106.)

S.B. 1170, AN ACT AUTHORIZING ADDITIONAL METHODS FOR BIDDING ON PUBLIC PROCUREMENT CONTRACTS, AND AMENDING THE LAW REGARDING BRAND NAME SPECIFICATION IN THE COMPETITIVE BIDDING PROCESS FOR PUBLIC CONTRACTS. (Became law upon approval of the Governor, September 6, 2002–S.L. 2002-107.)

S.B. 1407, AN ACT TO ESTABLISH A CONTRACT RIGHT REGARDING THE TIMING OF PAYMENTS UNDER CONTRACTS REQUIRING REIMBURSEMENT OF FEDERAL FUEL EXCISE TAXES AND TO MAKE VARIOUS MOTOR FUEL EXCISE TAX CHANGES. (Became law upon approval of the Governor, September 6, 2002–S.L. 2002-108.)

September 12, 2002

S.B. 1441, AN ACT TO EXEMPT CERTAIN ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA, INCLUDING THE NORTH CAROLINA ARBORETUM, FROM THE UMSTEAD ACT. (Became law upon approval of the Governor, September 6, 2002–S.L. 2002-109.)

H.B. 1724, AN ACT TO CLARIFY THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE. (Became law upon approval of the Governor, September 6, 2002–S.L. 2002-110.)

S.B. 1262, AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ENTER INTO MUTUAL AID AGREEMENTS WITH LAW ENFORCEMENT AGENCIES ON BEHALF OF ITS SPECIAL PEACE OFFICERS WHO HAVE BEEN DESIGNATED FOR THE PURPOSE OF ENFORCING THE LAW GOVERNING THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, September 6, 2002–S.L. 2002-111.)

S.B. 1154, AN ACT TO EXPAND THE LIST OF SECTIONS OF THE NORTH CAROLINA CONDOMINIUM ACT THAT APPLY TO CONDOMINIUMS CREATED ON OR BEFORE OCTOBER 1, 1986, AND TO CODIFY AN APPLICABILITY PROVISION RELATING TO THE NORTH CAROLINA PLANNED COMMUNITY ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, September 6, 2002-112.)

S.B. 1232, AN ACT TO ALLOW MEMBERS OF THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WITH AT LEAST TEN YEARS OF SERVICE TO CONTINUE AS MEMBERS AFTER THE TAKEOVER OF A VOLUNTEER DEPARTMENT BY A CITY OR COUNTY; AND TO EXEMPT VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL SERVICES PERSONNEL AND RESCUE SQUAD WORKERS FROM OVERTIME AND MINIMUM WAGE LAWS. (Became law upon approval of the Governor, September 6, 2002–S.L. 2002-113.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A special message received 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. 589 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE HIGHWAY USE OF OFF-ROAD VEHICLES USED IN AGRICULTURE QUARANTINE PROGRAMS, 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.

Special messages are received from the House of Representatives transmitting a bill and a resolution which are read the first time and disposed of, as follows:

H.B. 1313 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING AND TO MAKE

September 12, 2002

CONFORMING CHANGES TO CHAPTER 8B AND CHAPTER 143B.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk, pending referral.

H.J.R. 1788, A JOINT RESOLUTION HONORING THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001.

The joint resolution is ordered held in the Office of the Senate Principal Clerk, pending referral.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
September 9, 2002

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. 1508, A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM A TERRORIST INCIDENT USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS, and requests conferees.

The Speaker has appointed:

Representative Edwards, Chair;
Representative Baddour, and
Representative Pope

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

The following bills on today's Calendar are carried over to the Calendar of Monday, September 16, as unfinished business:

S.B. 1312 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND THE TOWNS OF

September 12, 2002

HOPE MILLS AND SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES, AND PROVIDING FOR A TIME TO TAKE OFFICE IN 2002 FOR THE RICHMOND COUNTY BOARD OF EDUCATION.

S.B. 1238 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO THE RETIREMENT SYSTEMS DIVISION.

S.B. 1275 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

Upon motion of Senator Weinstein, seconded by Senator Reeves, the Senate adjourns subject to ratification of bills, to meet Monday, September 16, at 6:05 P.M.

ENROLLED BILLS

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

September 12, 2002

H.B. 1276, AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS BY EQUALIZING PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS.

H.B. 1490, AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR AND TO CLARIFY THE FRANCHISE TAX ON ELECTRIC POWER COMPANIES.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1657, AN ACT TO AMEND THE PROVISIONS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM.

Pursuant to Senator Weinstein's motion to adjourn having prevailed, the Senate adjourns at 1:22 P.M.

TWO HUNDRED TWENTY-NINTH DAY

Senate Chamber
Monday, September 16, 2002

The Senate meets pursuant to adjournment and is called to order by The Honorable Tony Rand, who presides in the absence of the Lieutenant Governor.

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

"Dear Lord, it is September 16 and there is still much legislation pending before the Senate and House, including the negotiation of a budget.

"Is it presumptuous for us, who are not actively involved in this process to pretend to know exactly how to pray in their behalf?

"Some want a lottery, others do not; some want the revenues from an additional tax, others do not; some want their way and no other; some are willing to negotiate.

"We pray for the conferees who have returned to negotiate this state budget.

"Maybe the best we can do is ask that you take away any resentments and frustrations that accompany such debate.

"Replace the microscope through which they look at the details of such legislation with a telescope through which they may see the benefits of their completed work. Give them hope and help. Amen."

Senator Lucas, announces that the Journal of Thursday, September 12, 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. 1657, AN ACT TO AMEND THE PROVISIONS OF THE DURHAM

September 16, 2002

FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM. (Became law upon ratification, September 12, 2002–S.L. 2002-114.)

H.B. 1581, AN ACT AFFECTING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS FILED WITH THE CABARRUS COUNTY AND MECKLENBURG COUNTY REGISTERS OF DEEDS AND AUTHORIZING RESIDENT OR SUPERIOR COURT JUDGES AND DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES. (Became law upon approval of the Governor, September 16, 2002–S.L. 2002-115.)

WITHDRAWAL FROM CLERK'S OFFICE

Bills received in the Office of the Principal Clerk from the House of Representatives ordered held in the Office of the Principal Clerk on Thursday, September 12, are withdrawn from the Principal Clerk's Office and referred as follows:

S.B. 589 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE HIGHWAY USE OF OFF-ROAD VEHICLES USED IN AGRICULTURE QUARANTINE PROGRAMS, received 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 17.

H.B. 1313 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING AND TO MAKE CONFORMING CHANGES TO CHAPTER 8B AND CHAPTER 143B.

Referred to **Health Care Committee**.

H.J.R. 1788, A JOINT RESOLUTION HONORING THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001.

Referred to **Rules and Operations of the Senate Committee**.

CALENDAR

The following bills on tonight's Calendar are carried over to the Calendar of Tuesday, September 17, as unfinished business:

S.B. 1146 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES.

S.B. 1312 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND THE TOWNS OF HOPE MILLS AND SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES, AND PROVIDING FOR A TIME TO TAKE OFFICE IN 2002 FOR THE RICHMOND COUNTY BOARD OF EDUCATION.

September 16, 2002

H.B. 1245 (Senate Committee Substitute), 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.

S.B. 1161 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES, TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS.

S.B. 1238 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO THE RETIREMENT SYSTEMS DIVISION.

S.B. 1275 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

Upon motion of Senator Albertson, seconded by Senator Wellons, the Senate adjourns at 6:06 P.M. to meet tomorrow, Tuesday, September 16, at 9:00 A.M.

September 16, 2002

TWO HUNDRED THIRTIETH DAY

Senate Chamber
Tuesday, September 17, 2002

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 Lord, if we approach this new day out of the habits with which we have begun so many yesterdays, without great expectation or worse with the expectation for sameness, forgive us.

"Samuel Johnson once prayed, 'Guard us against habits that are too weak to be felt until they are too strong to be broken.'

"Today, revitalize our spirits and give us new ideas uninformed by habitual ways of thinking. Amen."

Senator Swindell announces that the Journal of yesterday, Monday, September 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 BILL

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 662, AN ACT AMENDING AN ACT AUTHORIZING ORANGE COUNTY TO REGULATE OPEN BURNING.

CONFERENCE REPORT

Senator Plyler for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1115** (House Committee Substitute) A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001, TO PROVIDE FOR A TEN PERCENT (10%) REDUCTION IN THE SALARY OF MEMBERS OF THE GENERAL ASSEMBLY FOR THE REMAINDER OF THE 2002-2003 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, 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 1115, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001, TO PROVIDE FOR A TEN PERCENT (10%) REDUCTION IN THE SALARY OF MEMBERS OF THE GENERAL ASSEMBLY FOR THE REMAINDER OF THE 2002-2003 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, House Committee Substitute Favorable 8/9/02 Fifth Edition Engrossed 8/12/02, submit the following report:

September 17, 2002

The House and Senate agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed 8/12/02, 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 S1115-PCS4773-LTxf-9.

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

Date Conferees approved report: September 16, 2002.

S/Aaron W. Plyler, Co-chair	S/E. David Redwine, Chair
S/Howard N. Lee, Co-chair	S/Ruth M. Easterling, Chair
S/T. LaFontine Odom, Sr. Co-chair	S/Warren C. Oldham, Chair
Charles W. Albertson	Gregory J. Thompson, Chair
Frank W. Ballance, Jr.	S/Gordon P. Allen
S/Walter Dalton	S/Philip A. Baddour, Jr.
S/Charlie S. Dannelly	S/Flossie Boyd-McIntyre
Linda Garrou	Charles F. Buchanan
Wib Gulley	S/E. Nelson Cole
Kay R. Hagan	S/James W. Crawford, Jr.
Oscar N. Harris	S/Bill Culpepper, III
David W. Hoyle	Andrew T. Dedmon
S/John H. Kerr III	S/Beverly M. Earle
S/Jeanne Hopkins Lucas	Stanley H. Fox
R. L. Martin	S/Pryor A. Gibson, III
S/William N. Martin	Joe Hackney
S/Steve M. Metcalf	S/R. Phillip Haire
S/William R. Purcell	Verla C. Insko
S/Tony Rand	S/Maggie Jeffus
S/Eric M. Reeves	Paul Luebke
A. B. Swindell	S/H.M. Michaux, Jr.
Scott Thomas	S/Edd Nye
Ed Warren	S/William C. Owens, Jr.
David F. Weinstein	S/R. Eugene Rogers
S/Allen H. Wellons	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

Conferees for the Senate

*Conferees for the
House of Representatives*

The Conference Report is placed on the Calendar for Wednesday, September 18, for adoption upon second reading.

CALENDAR

The following bills on today's Calendar are carried over to the Calendar of Wednesday, September 18, as unfinished business:

September 17, 2002

S.B. 1146 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES.

S.B. 1312 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND THE TOWNS OF HOPE MILLS AND SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES, AND PROVIDING FOR A TIME TO TAKE OFFICE IN 2002 FOR THE RICHMOND COUNTY BOARD OF EDUCATION.

H.B. 1245 (Senate Committee Substitute), 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.

S.B. 1161 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES, TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS.

S.B. 1238 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO THE RETIREMENT SYSTEMS DIVISION.

S.B. 1275 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT

LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

Upon motion of Senator Purcell, seconded by Senator Garwood, the Senate adjourns at 9:27 A.M. to meet tomorrow, Wednesday, September 18, at 8:30 A.M.

TWO HUNDRED THIRTY-FIRST DAY

Senate Chamber
Wednesday, September 18, 2002

The Senate meets pursuant to adjournment and is called to order by The Honorable Tony Rand, who presides in the absence of the Lieutenant Governor.

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

"Dear Lord, the writer of Proverbs was both a psychologist and pharmacist. He wrote, 'A cheerful heart is a good medicine.'

"Even on days when there is seemingly little for which to be cheerful, help us to dig deep to count our blessings, and to offer a cheerful word of hope for our neighbors. Doing so will be good medicine for them and us. Amen."

Senator Swindell announces that the Journal of yesterday, Tuesday, 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.

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. 1540, AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION AND TO AUTHORIZE COUNTIES AND CITIES TO ORDER THE REMOVAL OF A SWIMMING POOL UPON A FINDING THAT THE SWIMMING POOL IS DANGEROUS OR PREJUDICIAL TO PUBLIC HEALTH OR SAFETY. (Became law without the approval of the Governor, September 17, 2002—S.L. 2002-116.)

S.B. 662, AN ACT AMENDING AN ACT AUTHORIZING ORANGE COUNTY TO REGULATE OPEN BURNING. (Became law upon ratification, September 17, 2002—S.L. 2002-117.)

September 18, 2002

CALENDAR

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

S.B. 1115 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, for adoption, upon second reading.

With unanimous consent, upon motion of Senator Odom, the Conference Report is withdrawn from today's Calendar and is re-referred to the **Conference Committee**.

UNFINISHED BUSINESS

With unanimous consent, upon motion of Senator Odom, bills on the Calendar carried forward as unfinished business from Tuesday, September 17, are withdrawn from today's Calendar and placed on the Calendar for Friday, September 20.

S.B. 1146 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, for concurrence in the House Committee Substitute bill, upon second reading.

S.B. 1312 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND THE TOWNS OF HOPE MILLS AND SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES, AND PROVIDING FOR A TIME TO TAKE OFFICE IN 2002 FOR THE RICHMOND COUNTY BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill.

H.B. 1245 (Senate Committee Substitute), 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.

S.B. 1161 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES, TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, for concurrence in the House Committee Substitute bill, upon second reading.

S.B. 589 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE HIGHWAY USE OF OFF-ROAD VEHICLES USED IN AGRICULTURE QUARANTINE PROGRAMS, for concurrence in the House Committee Substitute bill No. 2.

September 18, 2002

S.B. 1238 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO THE RETIREMENT SYSTEMS DIVISION, for concurrence in the House Committee Substitute bill.

S.B. 1275 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Odom, seconded by Senator Purcell, the Senate adjourns subject to receipt of Conference Reports, to meet tomorrow, Thursday, September 19, at 2:00 P.M.

RECONSIDERATION

Having voted in the majority, Senator Odom offers a motion that the vote by which the motion to adjourn subject to receipt of Conference Reports and to reconvene on September 19 at 2:00 P.M., prevailed earlier be reconsidered, seconded by Senator Purcell, which motion prevails.

Senator Odom offers a motion that the Senate adjourn subject to receipt of Conference Reports to reconvene on Thursday, September 19, at 1:00 P.M., seconded by Senator Purcell.

The motion prevails and the Senate stands adjourned, subject to receipt of Conference Reports.

September 18, 2002

CONFERENCE REPORT

Senator Odom for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1115** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001, TO PROVIDE FOR A TEN PERCENT (10%) REDUCTION IN THE SALARY OF MEMBERS OF THE GENERAL ASSEMBLY FOR THE REMAINDER OF THE 2002-2003 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, 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 1115, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001, TO PROVIDE FOR A TEN PERCENT (10%) REDUCTION IN THE SALARY OF MEMBERS OF THE GENERAL ASSEMBLY FOR THE REMAINDER OF THE 2002-2003 FISCAL YEAR, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, House Committee Substitute Favorable 8/9/02 Fifth Edition Engrossed 8/12/02, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed 8/12/02, 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 S1115-PCCS4777-LTxf-11

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

Date Conferees approved report: September 18, 2002.

S/Aaron W. Plyler, Co-chair
S/Howard N. Lee, Co-chair
S/T. LaFontine Odom, Sr. Co-chair
Charles W. Albertson
Frank W. Ballance, Jr.
S/Walter Dalton
Charlie Smith Dannelly
Linda Garrou
Wib Gulley
Kay R. Hagan
Oscar N. Harris
S/David W. Hoyle
John H. Kerr III
Jeanne Hopkins Lucas
R. L. Martin
William N. Martin
S/Steve Metcalf

S/David Redwine, Chair
S/Ruth M. Easterling, Chair
S/Warren C. Oldham, Chair
Gregory J. Thompson, Chair
S/Gordon P. Allen
S/Philip A. Baddour, Jr.
S/Flossie Boyd-McIntyre
S/Charles F. Buchanan
S/E. Nelson Cole
S/James W. Crawford, Jr.
S/Bill Culpepper, III
Andrew T. Dedmon
S/Beverly M. Earle
S/Stan Fox
S/Pryor A. Gibson, III
S/Joe Hackney
S/R. Phillip Haire

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S/William R. Purcell
 S/Tony Rand
 S/Eric M. Reeves
 S/A. B. Swindell
 S/Scott Thomas
 S/Ed Warren
 S/David F. Weinstein
 S/Allen H. Wellons

Conferees for the Senate

S/Verla C. Insko
 S/Maggie Jeffus
 Paul Luebke
 S/H.M. Michaux, Jr.
 S/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

*Conferees for the
 House of Representatives*

(The full text of the Conference Committee Substitute can be found in the 2002 Session Laws-Chapter 126.)

The Conference Report is placed on the Calendar for Thursday, September 19, upon second reading.

Pursuant to Senator Odom's motion to adjourn having prevailed, the Senate adjourns at 9:42 P.M.

TWO HUNDRED THIRTY-SECOND DAY

Senate Chamber
 Thursday, September 19, 2002

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:

"Almighty God, we acknowledge you and your goodness. We thank you for your many wonderful blessings, even though we have fallen short of your request of each of us to do your will.

"We confess our sins, but we ask you to have mercy on those in need. Continue to create within us a clean heart and make us have the right spirit as we work through the translation of this North Carolina General Assembly budget. In your precious name we pray, Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday,

September 19, 2002

Wednesday, 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.

CALENDAR

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

S.B. 1115 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, for adoption, upon second reading.

Senator Horton offers a motion that the Conference Report be withdrawn from the Calendar and re-referred to the Conference Committee. The President rules the motion out-of-order pursuant to Senate Rule 57.

Senator Rand calls the previous question through the adoption of the Conference Report, seconded by Senator Dalton.

The call is sustained.

Senator Forrester announces a pair vote. If Senator Hoyle were present, he would vote "aye"; Senator Forrester votes "no".

The Conference Report is adopted on its second reading, by roll-call vote, ayes 32, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—32.

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

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1508 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM A TERRORIST INCIDENT USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS.

Pursuant to the message from the House of Representatives received September 12, that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 1508 and requests conferees, the President *Pro Tempore*, announces the appointment of Senator Purcell, Chairman; Senator Dannelly; Senator Forrester; Senator Hagan; 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.

September 19, 2002

Upon motion of Senator Basnight, seconded by Senator Lee, the Senate adjourns at 2:19 P.M. to meet tomorrow, Friday, September 20, at 10:00 A.M.

TWO HUNDRED THIRTY-THIRD DAY

Senate Chamber
Friday, September 20, 2002

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 Honorable Howard N. Lee, Senator from Orange County, as follows:

“Thank you Mr. President. I am delighted to have one more crack at this podium before departing this Chamber. Let us pray.

“God, life is full of disappointments but it is also full of opportunities for new beginnings. We often spend so much time and energy focusing on what might have been or what should have been, when we instead should use that energy and that time looking towards the future of serving the people and fulfilling the needs of those we represent. We can be examples of optimism.

“God, give us the strength to set aside our differences, to respect each other, to take firm stands on issues but to understand those which are taken by our counterparts. As we contemplate ending this legislative session, give us the strength to go forth to talk with our people and help us remember that we have been a gift to each other as you have given us the gift of life. Amen.”

The Chair grants leaves of absence for today to Senator Carrington, Senator Gulley, Senator Harris, Senator Hoyle, Senator Metcalf, Senator Moore, Senator Shaw of Guilford, Senator Soles and Senator Weinstein.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Thursday, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
September 20, 2002

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 1115 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER

September 20, 2002

CHANGES IN THE BUDGET OPERATION OF THE STATE.

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

Respectfully,
S/Denise G. Weeks
Principal Clerk

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. 1665 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND TAX LAWS RELATED TO INTERSTATE AIR COURIERS AND TO AMEND THE WAGE STANDARD UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ACCOUNT FOR THE VALUE OF HEALTH INSURANCE TO PART-TIME JOBS.

Referred to **Finance Committee**.

H.B. 1638 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE ALE DIVISION WHEN INVESTIGATING ABC PERMIT APPLICANTS, LOCAL LAW-ENFORCEMENT AGENCIES ISSUING PRECIOUS METAL DEALER PERMITS, THE PRIVATE PROTECTIVE SERVICES BOARD, THE ALARM SYSTEMS LICENSING BOARD, THE BOARD OF LAW EXAMINERS, THE MEDICAL BOARD, THE STATE BOARD OF DENTAL EXAMINERS, THE BOARD OF PHARMACY, THE BOARD OF MORTUARY SCIENCE, THE REAL ESTATE COMMISSION, THE COMMISSIONER OF LABOR WHEN INVESTIGATING PRIVATE PERSONNEL SERVICE LICENSE APPLICANTS, THE STRUCTURAL PEST CONTROL COMMITTEE, AND CITIES WHEN INVESTIGATING TAXI LICENSE APPLICANTS AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, AND TO CONFORM SEX OFFENDER LAWS TO FEDERAL REQUIREMENTS.

Referred to **Finance Committee**.

CALENDAR

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

S.B. 1146 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, 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 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Hartsell, Horton, Kerr, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Swindell, Thomas, Warren, Webster and Wellons—39.

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Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, September 23, for concurrence 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 Purcell for the **Health Care Committee**:

H.B. 1777 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF CERTAIN ADMINISTRATIVE RULES GOVERNING SANITATION OF HOSPITALS, NURSING HOMES, REST HOMES, AND OTHER INSTITUTIONS; TO PROVIDE FOR A FIELD TEST OF THOSE RULES; TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND THOSE RULES; AND TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND A RELATED RULE, 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 4305, which changes the title to read **H.B. 1777** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF CERTAIN ADMINISTRATIVE RULES GOVERNING SANITATION OF HOSPITALS, NURSING HOMES, REST HOMES, AND OTHER INSTITUTIONS; TO PROVIDE FOR A FIELD TEST OF THOSE RULES; TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND THOSE RULES; TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES GOVERNING LICENSING OF FAMILY CARE HOMES AND HOMES FOR THE AGED AND INFIRM; AND TO REQUIRE THE SECRETARY OF HEALTH AND HUMAN SERVICES AND THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO DEVELOP A PROCESS FOR EXPEDITING REVIEW OF REQUESTS FOR WAIVERS FROM RULES PERTAINING TO MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, is adopted and engrossed.

APPOINTMENT OF ADDITIONAL CONFERE

H.B. 1508 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM A TERRORIST INCIDENT USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS.

Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of

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Senator Martin of Guilford 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.

CONFERENCE REPORT

Senator Clodfelter for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon 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, 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 623, 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, Senate Judiciary I Committee Substitute Adopted 9/4/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 9/4/01, 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 H623-PCCS4289-RUX-2.

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

Date Conferees approved report: September 19, 2002.

S/Daniel G. Clodfelter, Chair
S/Anthony E. Rand
S/Frank W. Ballance, Jr.
S/Patrick J. Ballantine
S/Aaron W. Plyler

S/W. Edwin McMahan, Chair
S/Pryor Gibson
S/Gordon P. Allen, Sr.
S/Joe Hackney
S/W. Pete Cunningham

Conferees for the Senate

*Conferees for the
House of Representatives*

The text of the attached Proposed Conference Committee Substitute bill, PCCS4289-RUX-2 is as follows:

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A BILL TO BE ENTITLED

AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS.

The General Assembly of North Carolina enacts:

SECTION 1. The title of Part 2 of Article 3B of Chapter 143 of the General Statutes reads as rewritten:

"Part 2. Guaranteed Energy Savings Contracts for ~~Local~~ Governmental Units."

SECTION 2. G.S. 143-64.17 reads as rewritten:

"§ 143-64.17. Definitions.

As used in this Part:

- (1) "Energy conservation measure" means a facility alteration, training, or services related to the operation of the facility, when the alteration, training, or services provide anticipated energy savings. Energy conservation measure includes any of the following:
 - a. Insulation of the building structure and systems within the building.
 - b. Storm windows or doors, caulking, weatherstripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated window or door systems, additional glazing, reductions in glass area, or other window or door system modifications that reduce energy consumption.
 - c. Automatic energy control systems.
 - d. Heating, ventilating, or air-conditioning system modifications or replacements.
 - e. Replacement or modification of lighting fixtures to increase the energy efficiency of a lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable State or local building code or is required by the light system after the proposed modifications are made.
 - f. Energy recovery systems.
 - g. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.
 - h. Other energy conservation measures.
- (2) "Energy savings" means a measured reduction in fuel costs, energy costs, or operating costs created from the implementation of one or more energy conservation measures when compared with an established baseline of previous fuel costs, energy costs, or operating costs developed by the ~~local~~ governmental unit.
- (2a) "Governmental unit" means either a local governmental unit or a State governmental unit.
- (3) "Guaranteed energy savings contract" means a contract for the evaluation, recommendation, or implementation of energy conservation measures, including the design and installation of equipment or the repair or replacement of existing equipment, in which all payments, except obligations on termination of the contract before its expiration, are to be made over time, and in which energy savings are guaranteed to exceed costs.
- (4) "Local governmental unit" means any board or governing body of

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- a political subdivision of the State, including any board of a community college, any school board, or an agency, commission, or authority of a political subdivision of the State.
- (5) "Qualified provider" means a person or business experienced in the design, implementation, and installation of energy conservation measures.
- (6) "Request for proposals" means a negotiated procurement initiated by a ~~local~~-governmental unit by way of a published notice that includes the following:
- a. The name and address of the ~~local~~-governmental unit.
 - b. The name, address, title, and telephone number of a contact person in the ~~local~~-governmental unit.
 - c. Notice indicating that the ~~local~~-governmental unit is requesting qualified providers to propose energy conservation measures through a guaranteed energy savings contract.
 - d. The date, time, and place where proposals must be received.
 - e. The evaluation criteria for assessing the proposals.
 - f. A statement reserving the right of the ~~local~~-governmental unit to reject any or all the proposals.
 - g. Any other stipulations and clarifications the ~~local~~-governmental unit may require.
- (7) "State governmental unit" means the State or a department, an agency, a board, or a commission of the State, including the Board of Governors of The University of North Carolina and its constituent institutions."

SECTION 3. G.S. 143-64.17A reads as rewritten:

"§ 143-64.17A. Solicitation of guaranteed energy savings contracts.

(a) Before entering into a guaranteed energy savings contract, a ~~local~~ governmental unit shall issue a request for proposals. Notice of the request shall be published at least 15 days in advance of the time specified for opening of the proposals in at least one newspaper of general circulation in the geographic area for which the local governmental unit is ~~responsible~~-responsible or, in the case of a State governmental unit, in which the facility or facilities are located. No guaranteed energy savings contract shall be awarded by any ~~governing body-governmental unit~~ unless at least two proposals have been received from qualified providers. Provided that if after the publication of the notice of the request for proposals, fewer than two proposals have been received from qualified providers, the ~~governing body of the local~~ governmental unit shall again publish notice of the request and if as a result of the second notice, one or more proposals by qualified providers are received, the ~~governing body-governmental unit~~ may then open the proposals and select a qualified provider even if only one proposal is received.

(b) The ~~local~~-governmental unit shall evaluate a sealed proposal from any qualified provider. Proposals shall contain estimates of all costs of installation, modification, or remodeling, including costs of design, engineering, installation, maintenance, repairs, ~~and~~ debt service, and estimates of energy savings.

(c) Proposals received pursuant to this section shall be opened by a member or an employee of the ~~governing body of the local~~-governmental unit at a public opening ~~at which~~ and the contents of the proposals shall be announced at this opening. In the case of a local governmental unit, the contents of the proposals shall also be ~~and~~ recorded in the minutes of the governing body. Proposals shall be evaluated for the ~~local~~-governmental unit by a licensed architect or engineer on the basis of:

- (1) The information required in subsection (b) of this section; and
- (2) The criteria stated in the request for proposals.

The ~~local~~-governmental unit may require a qualified provider to include in calculating the cost of a proposal for a guaranteed energy savings contract any reasonable fee payable by the ~~local~~-governmental unit for evaluation of the proposal by a licensed architect or professional engineer not employed as a member of the staff of the ~~local~~ governmental unit or the qualified provider.

(d) The ~~local~~-governmental unit shall select the qualified provider that it determines to best meet the needs of the ~~local~~ governmental unit by evaluating all of the following:

- (1) Prices ~~offered~~:offered.
- (2) Proposed costs of construction, financing, maintenance, and ~~training~~:training.
- (3) Quality of the products ~~proposed~~:proposed.
- (4) Amount of energy ~~savings~~:savings.
- (5) General reputation and performance capabilities of the qualified ~~providers~~:providers.
- (6) Substantial conformity with the specifications and other conditions set forth in the request for ~~proposals~~:proposals.
- (7) Time specified in the proposals for the performance of the ~~contract~~:and contract.
- (8) Any other factors the ~~local~~ governmental unit deems necessary, which factors shall be made a matter of record.

(e) Nothing in this section shall limit the authority of ~~local~~-governmental units as set forth in Article 3D of this Chapter."

SECTION 4. G.S. 143-64.17B reads as rewritten:

"§ 143-64.17B. **Guaranteed energy savings contracts.**

(a) A ~~local~~-governmental unit may enter into a guaranteed energy savings contract with a qualified provider if all of the following apply:

- (1) The term of the contract does not exceed 12 years from the date of the installation and acceptance by the ~~local~~ governmental unit of the energy conservation measures provided for under the contract.
- (2) The ~~local~~-governmental unit finds that the energy savings resulting from the performance of the contract will equal or exceed the total cost of the contract.
- (3) The energy conservation measures to be installed under the contract are for an existing building.

(b) Before entering into a guaranteed energy savings contract, the ~~local~~ governmental unit shall provide published notice of the time and place or of the meeting at which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose. The notice must be published at least 15 days before the date of the proposed award or meeting.

(c) A qualified provider entering into a guaranteed energy savings contract under this Part shall provide a bond to the ~~local~~-governmental unit in the amount equal to one hundred percent (100%) of the total cost of the guaranteed energy savings contract to assure the provider's faithful performance. Any bonds required by this subsection shall be subject to the provisions of Article 3 of Chapter 44A of the General Statutes. If the savings resulting from a guaranteed energy savings contract are not as great as projected under the contract and all required shortfall payments to the ~~local~~-governmental unit have not been made, the ~~local~~-governmental unit may terminate the contract without incurring any additional obligation to the qualified provider.

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(d) As used in this section, "total cost" shall include, but not be limited to, costs of construction, costs of financing, and costs of maintenance and training during the term of the contract. "Total cost" does not include any obligations on termination of the contract before its expiration, provided that those obligations are disclosed when the contract is executed.

(e) A guaranteed energy savings contract may not require the ~~local~~ governmental unit to purchase a maintenance contract or other maintenance agreement from the qualified provider who installs energy conservation measures under the contract if the ~~local~~ unit of government takes appropriate action to budget for its own forces or another provider to maintain new systems installed and existing systems affected by the guaranteed energy savings contract."

SECTION 5. G.S. 143-64.17C is repealed.

SECTION 6. G.S. 143-64.17D reads as rewritten:

"§ 143-64.17D. Contract continuance.

A guaranteed energy savings contract may extend beyond the fiscal year in which it becomes effective. Such a contract shall stipulate that it does not constitute a ~~debt, liability, or obligation of any local governmental unit or a direct or indirect pledge of the taxing power or full faith and credit of any unit of local government.~~ governmental unit."

SECTION 7. Part 2 of Article 3B of Chapter 143 of the General Statutes is amended by adding the following new section to read:

"§ 143-64.17F. State agencies to use contracts when feasible.

State governmental units shall evaluate the use of guaranteed energy savings contracts in reducing energy costs and may use those contracts when feasible and practical. The Department of Administration, through the State Energy Office, shall adopt rules for agency evaluation of guaranteed energy savings contracts. Prior to adopting any rules pursuant to this section, the Department shall consult with and obtain approval of those rules from the State Treasurer."

SECTION 8. Part 2 of Article 3B of Chapter 143 of the General Statutes is amended by adding the following new sections to read:

"§ 143-64.17H. Guaranteed energy savings contract reporting requirements.

A State governmental unit that enters into a guaranteed energy savings contract must report the contract and the terms of the contract to the State Energy Office of the Department of Administration within 30 days of the date the contract is entered into. In addition, within 60 days after each annual anniversary date of a guaranteed energy savings contract, the State governmental unit must report the status of the contract to the State Energy Office, including any details required by the State Energy Office. The State Energy Office shall compile the information for each fiscal year and report it to the Joint Legislative Commission on Governmental Operations and to the Local Government Commission annually by December 1. In compiling the information, the State Energy Office shall include information on the energy savings expected to be realized from a contract and shall evaluate whether expected savings have in fact been realized.

"§ 143-64.17I. Installment and lease purchase contracts.

A local governmental unit may provide for the acquisition, installation, or maintenance of energy conservation measures acquired pursuant to this Part by installment or lease purchase contracts in accordance with and subject to the provisions of G.S. 160A-20 and G.S. 160A-19, as applicable.

"§ 143-64.17J. Financing by State governmental units.

State governmental units may finance the acquisition, installation, or maintenance of energy conservation measures acquired pursuant to this Part in the manner and to the extent set forth in Article 8 of Chapter 142 of the General Statutes or as otherwise authorized by law."

SECTION 9. Chapter 142 of the General Statutes is amended by adding a

new Article to read:

"Article 8.

"State Energy Conservation Finance Act.

"§ 142-60. Short Title.

This Article is the State Energy Conservation Finance Act.

"§ 142-61. Definitions.

The following definitions apply in this Article:

- (1) Certificates of participation. – Certificates or other instruments delivered by a special corporation as provided in this Article evidencing the assignment of proportionate and undivided interests in the rights to receive payments to be made by the State pursuant to one or more financing contracts.
- (2) Cost. – The term includes:
 - a. The cost of construction, modification, rehabilitation, renovation, improvement, acquisition, or installation in connection with an energy conservation measure.
 - b. The cost of engineering, architectural, and other consulting services as may be required, including the cost of performing the technical analysis in accordance with G.S. 143-64.17A.
 - c. Finance charges, reserves for debt service and other types of reserves required pursuant to a financing contract or any other related documentation, and interest prior to and during construction, and, if deemed advisable by the State Treasurer, for a period not exceeding two years after the estimated date of completion of construction.
 - d. Administrative expenses and charges.
 - e. The cost of bond insurance, investment contracts, credit and liquidity facilities, interest rate swap agreements and other derivative products, financial and legal consultants, and related costs of the incurrence or issuance of the financing contract to the extent and as determined by the State Treasurer.
 - f. The cost of reimbursing the State for payments made for any costs described in this subdivision.
 - g. Any other costs and expenses necessary or incidental to implementing the purposes of this Article.
- (3) Credit facility. – An agreement that:
 - a. Is entered into by the State with a bank, savings and loan association, or other banking institution, an insurance company, reinsurance company, surety company or other insurance institution, a corporation, investment banking firm or other investment institution, or any financial institution or other similar provider of a credit facility, which provider may be located within or without the United States of America; and
 - b. Provides for prompt payment of all or any part of the principal or purchase price (whether at maturity, presentment or tender for purchase, redemption, or acceleration), redemption premium, if any, and interest

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with respect to any financing contract payable on demand or tender by the owner in consideration of the State agreeing to repay the provider of the credit facility in accordance with the terms and provisions of the agreement.

- (4) Energy conservation measure. – Defined in G.S. 143-64.17.
- (5) Energy conservation property. – Buildings, equipment, or other property with respect to which an energy conservation measure is undertaken.
- (6) Financing contract. – An installment financing contract entered into pursuant to the provisions of this Article to finance the cost of an energy conservation measure.
- (7) Person. – An individual, a firm, a partnership, an association, a corporation, a limited liability company, or any other organization or group acting as a unit.
- (8) Special corporation. – A nonprofit corporation created under Chapter 55A of the General Statutes for the purpose of facilitating the incurrence of certificates of participation indebtedness by the State under this Article.
- (9) State governmental unit. – Defined in G.S. 143-64.17.
- (10) State Treasurer. – The incumbent Treasurer, from time to time, of the State.

"§ 142-63. Authorization of financing contract.

Subject to the terms and conditions set forth in this Article, a State governmental unit that has solicited a guaranteed energy conservation measure pursuant to G.S. 143-64.17A or G.S. 143-64.17B or the State Treasurer, as designated by the Council of State, is authorized to execute and deliver, for and on behalf of the State of North Carolina, a financing contract to finance the costs of the energy conservation measure. The aggregate principal amount payable by the State under financing contracts entered pursuant to this Article shall not exceed fifty million dollars (\$50,000,000) at any one time.

"§ 142-64. Procedure for incurrence or issuance of financing contract.

(a) When a State governmental unit has solicited a guaranteed energy conservation measure, the State governmental unit shall request that the State Treasurer approve the State governmental unit's entering into a financing contract to finance the cost of the energy conservation measure. In connection with the request, the State governmental unit shall provide to the State Treasurer any information the State Treasurer requests in order to evaluate the request. In the event that the State Treasurer determines that financing efficiencies will be realized through the combining of financing contracts, then the State Treasurer is authorized to execute and deliver, for and on behalf of the State of North Carolina, subject to the terms and conditions set forth in this Article, a financing contract for the purpose of financing the cost of the multiple energy conservation measures.

(b) A financing contract may be entered into pursuant to this Article only after all of the following conditions are met:

- (1) The Office of State Budget and Management has certified that resources are expected to be available to the State to pay the payments to fall due under the financing contract as they become due and payable.
- (2) The Council of State has approved the execution and delivery of the financing contract by resolution that sets forth all of the following:
 - a. The not-to-exceed term or final maturity of the

- financing contract, which shall be no later than 12 years from the date the financing contract is entered.
- b. The not-to-exceed interest rate or rates (or the equivalent thereof), which may be fixed or vary over a period of time, with respect to the financing contract.
- c. The appropriate officers of the State to execute and deliver the financing contract and all other documentation relating to it.
- (3) The State Treasurer has approved the financing contract and all other documentation related to it, including any deed of trust, security agreement, trust agreement or any credit facility.

The resolution of the Council of State shall include any other matters the Council of State considers appropriate.

(c) In determining whether to approve a financing contract under subdivision (b)(3) of this section, the State Treasurer may consider the factors the State Treasurer considers relevant in order to find and determine all of the following:

- (1) The principal amount to be advanced to the State under the financing contract is adequate and not excessive for the purpose of paying the cost of the energy conservation measure.
- (2) The increase, if any, in State revenues necessary to pay the sums to become due under the financing contract are not excessive.
- (3) The financing contract can be entered into on terms desirable to the State.
- (4) In the case of delivery of certificates of participation, the sale of certificates of participation will not have an adverse effect upon any scheduled or proposed sale of obligations of the State or any State agency.

(d) The Office of State Budget and Management is authorized to certify that funds are expected to be available to the State to make the payments due under a financing contract entered into under the provisions of this section as the payments become due and payable. In so certifying, the Office of State Budget and Management may take into account expected decreases in appropriations to the State governmental unit that will offset payments expected to be made under the financing contract.

"§ 142-65. Security; other requirements.

(a) In order to secure the performance by the State of its obligations under a financing contract or any other related documentation, the State may grant a lien on, or security interest in, all or any part of the energy conservation property or the land upon which the energy conservation property is or will be located.

(b) No deficiency judgment may be rendered against the State or any State governmental unit in any action for breach of any obligation contained in a financing contract or any other related documentation, and the taxing power of the State is not and may not be pledged directly or indirectly to secure any moneys due under a financing contract or any other related documentation. In the event that the General Assembly does not appropriate funds sufficient to make payments required under a financing contract or any other related documentation, the net proceeds received from the sale, lease, or other disposition of the property subject to the lien or security interest created pursuant to subsection (a) of this section shall be applied to satisfy these payment obligations in accordance with the deed of trust, security agreement, or other documentation creating the lien or security interest. These net proceeds are hereby appropriated for the purpose of making these payments. Any net proceeds in excess of the amount required to satisfy the obligations of the State under the financing contract or any other related documentation shall be paid to the State Treasurer for deposit to the General Fund of the State.

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(c) Neither a financing contract nor any other related documentation shall contain a nonsubstitution clause that restricts the right of the State to (i) continue to provide a service or conduct an activity or (ii) replace or provide a substitute for any State property that is the subject of an energy conservation measure.

(d) A financing contract may include provisions requesting the Governor to submit in the Governor's budget proposal, or any amendments or supplements to it, appropriations necessary to make the payments required under the financing contract.

(e) A financing contract may contain any provisions for protecting and enforcing the rights and remedies of the person advancing moneys or providing funds under the financing contract that are reasonable and not in violation of law, including covenants setting forth the duties of the State in respect of the purposes to which the funds advanced under a financing contract may be applied, and the duties of the State with respect to the property subject to the lien or security interest created pursuant to subsection (a) of this section, including, without limitation, provisions relating to insuring and maintaining any property and the custody, safeguarding, investment, and application of moneys.

(f) The interest component of the installment payments to be made under a financing contract may be calculated based upon a fixed or variable interest rate or rates as determined by the State Treasurer.

(g) If the State Treasurer determines that it is in the best interest of the State, the State may enter into, or arrange for the delivery of, a credit facility to secure payment of the payments due under a financing contract or to secure payment of the purchase price of any certificates of participation delivered as provided in this Article.

"§ 142-66. Payment provisions.

The payment of amounts payable by the State under a financing contract and any other related documentation during any fiscal biennium or fiscal year shall be limited to funds appropriated for that purpose by the General Assembly in its discretion. No provision of this Article and no financing contract or any other related documentation shall be construed or interpreted as creating a pledge of the faith and credit of the State or any agency, department, or commission of the State within the meaning of any constitutional debt limitation.

"§ 142-67. Certificates of participation.

(a) If the State Treasurer determines that the State would realize debt service savings under one or more financing contracts if certificates of participation are issued with respect to the rights to receive payments under the financing contract, then the State Treasurer is authorized to take actions, with the consent of the Council of State, that will effectuate the delivery of certificates of participation for that purpose.

(b) Terms; Interest. – Certificates of participation may be sold by the State Treasurer in the manner, either at public or private sale, and for any price or prices that the State Treasurer determines to be in the best interest of the State and to effect the purposes of this Article, except that the terms of the sale must also be approved by the special corporation. Interest payable with respect to certificates of participation shall accrue at the rate or rates determined by the State Treasurer with the approval of the special corporation.

(c) Trust Agreement. – Certificates of participation may be delivered pursuant to a trust agreement or similar instrument with a corporate trustee approved by the State Treasurer.

"§ 142-68. Tax exemption.

Any financing contract entered pursuant to this Article, and any certificates of participation relating to it, shall at all times be free from taxation by the State or any political subdivision or any of their agencies, excepting estate, inheritance, and gift taxes; income taxes on the gain from the transfer of the financing contract or certificates of

participation; and franchise taxes. The interest component of the installment payments made by the State under the financing contract, including the interest component of any certificates of participation, is not subject to taxation as income.

"§ 142-69. Other agreements.

The State Treasurer may authorize, execute, obtain, or otherwise provide for bond insurance, investment contracts, credit and liquidity facilities, credit enhancement facilities, interest rate swap agreements and other derivative products, and any other related instruments and matters the State Treasurer determines are desirable in connection with entering into financing contracts and issuing certificates of participation pursuant to this Article. The State Treasurer is authorized to employ and designate any financial consultants, underwriters, fiduciaries, and bond attorneys to be associated with any financing contracts or certificates of participation under this Article as the State Treasurer considers appropriate.

"§ 142-70. Investment eligibility.

Financing contracts entered into pursuant to this Article, and any certificates of participation relating to them, are securities or obligations in which all of the following may invest, including capital in their control or belonging to them: public officers, agencies, and public bodies of the State and its political subdivisions; insurance companies, trust companies, investment companies, banks, savings banks, savings and loan associations, credit unions, pension or retirement funds, and other financial institutions engaged in business in the State; and executors, administrators, trustees, and other fiduciaries. Financing contracts entered pursuant to this Article, and any certificates of participation relating to them, are securities or obligations that may properly and legally be deposited with and received by any officer or agency of the State or any political subdivision of the State for any purpose for which the deposit of bonds, notes, or obligations of the State or any political subdivision is now or may later be authorized by law."

SECTION 10. G.S. 160A-20(h) reads as rewritten:

"(h) As used in this section, the term 'unit of local government' means any of the following:

- (1) A county.
- (2) A city.
- (3) A water and sewer authority created under Article 1 of Chapter 162A of the General Statutes.
- (3a) A metropolitan sewerage district created under Article 5 of Chapter 162A of the General Statutes.
- (3b) A sanitary district created under Part 2 of Article 2 of Chapter 130A of the General Statutes.
- (4) An airport authority whose situs is entirely within a county that has (i) a population of over 120,000 according to the most recent federal decennial census and (ii) an area of less than 200 square miles.
- (5) An airport authority in a county in which there are two incorporated municipalities with a population of more than 65,000 according to the most recent federal decennial census.
- (5a) An airport board or commission authorized by agreement between two cities pursuant to G.S. 63-56, one of which is located partially but not wholly in the county in which the jointly owned airport is located, and where the board or commission provided water and wastewater services off the airport premises before January 1, 1995; ~~provided 1995, except~~ that the authority granted by this ~~section-subdivision~~ may be exercised by such a

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- board or commission with respect to water and wastewater systems or improvements only.
- (6) A local school administrative unit whose board of education is authorized to levy a school tax.
- (6a) Any other local school administrative unit, but only for the purpose of financing energy conservation measures acquired pursuant to Part 2 of Article 3B of Chapter 143 of the General Statutes.
- (6b) A community college, but only for the purpose of financing energy conservation measures acquired pursuant to Part 2 of Article 3B of Chapter 143 of the General Statutes.
- (7) An area mental health, developmental disabilities, and substance abuse authority, acting in accordance with G.S. 122C-147.
- (8) A consolidated city-county, as defined by G.S. 160B-2(1).
- (9) Repealed by Session Laws 2001-414, s. 52, effective September 14, 2001.
- (10) A regional natural gas district, as defined by Article 28 of this Chapter.
- (11) A regional public transportation authority or a regional transportation authority created pursuant to Article 26 or Article 27 of this Chapter.
- (12) A nonprofit corporation or association operating or leasing a public hospital as defined in G.S. 159-39."

SECTION 11. G.S. 143-129.4 reads as rewritten:

"§ 143-129.4. Guaranteed energy savings contracts.

The solicitation and evaluation of proposals for guaranteed energy savings contracts, as defined in Part 2 of Article 3B of this Chapter, and the letting of contracts for these proposals are ~~governed solely~~ not governed by this Article but instead are governed by the provisions of that Part; except that guaranteed energy savings contracts are subject to the requirements of G.S. 143-128.2."

SECTION 12. Nothing in this act limits the use of any method of contracting authorized by local law or other applicable laws.

SECTION 13. This act becomes effective January 1, 2003, and applies to contracts entered into on or after that date.

The Conference Report is placed on the Calendar for Monday, September 23, for adoption upon second reading.

WITHDRAWALS FROM COMMITTEE

S.J.R. 1456, A SENATE RESOLUTION HONORING FRANCES BASDEN FOR HER SERVICE TO PENDER COUNTY, referred to the **Rules and Operations of the Senate Committee** on June 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 Tuesday, September 24, 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 Tuesday, September 24.

S.J.R. 1476, A JOINT RESOLUTION HONORING THE MEMORY OF J.W. MARSH ON THE OCCASION OF THE TOWN OF MARSHVILLE'S ONE HUNDRED

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TWENTY-FIFTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on July 29.

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 Monday, September 23, 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 Monday, September 23.

CALENDAR (*continued*)

S.B. 1312 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND THE TOWNS OF HOPE MILLS AND SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES, AND PROVIDING FOR A TIME TO TAKE OFFICE IN 2002 FOR THE RICHMOND COUNTY BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (40-0) and the measure is ordered enrolled.

H.B. 1245 (Senate Committee Substitute), 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, as amended on second reading.

Senator Hagan offers Amendment No. 2 which is adopted (40-0), and changes the title to read **H.B. 1245** (Senate Committee Substitute), 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 AND TO MAKE STATEWIDE A LOCAL ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY, WHICH CURRENTLY APPLIES ONLY IN CRAVEN, NASH, AND PAMLICO COUNTIES.

The Senate Committee Substitute bill, as amended, passes its third reading (33-7) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 1161 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES, TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 40, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Swindell, Thomas, Warren, Webster and Wellons—40.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, September 23, for concurrence upon third reading.

S.B. 589 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE HIGHWAY USE OF OFF-ROAD VEHICLES USED IN AGRICULTURE QUARANTINE PROGRAMS, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (38-1) and the measure is ordered enrolled and sent to the Governor.

S.B. 1238 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO THE RETIREMENT SYSTEMS DIVISION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (40-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1275 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED

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TO THAT SCHOOL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (40-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1115 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, for adoption, upon third reading.

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

Senator Rucho announces a pair vote. If Senator Weinstein were present, he would vote "aye"; Senator Rucho votes "no".

Senator Forrester announces a pair vote. If Senator Hoyle were present, he would vote "aye"; Senator Forrester votes "no".

Senator Garwood announces a pair vote. If Senator Metcalf were present, he would vote "aye"; Senator Garwood votes "no".

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

Senator Horton announces a pair vote. If Senator Gulley were present, he would vote "aye"; Senator Horton votes "no".

Senator Rand announces a pair vote. If Senator Carrington were present, he would vote "no"; Senator Rand votes "aye".

The Conference Report is adopted on its third reading, by roll-call vote, ayes 26, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Hagan, Kerr, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Odom, Plyler, Purcell, Reeves, Robinson, Swindell, Thomas, Warren and Wellons—26.

Voting in the negative: Senators Ballantine, Berger, Carpenter, Foxx, Hartsell, Kinnaird and Webster—7.

Pursuant to a message received earlier today from the House of Representatives that the House has adopted the report of the Conferees, the bill is ordered enrolled and sent to the Governor by special message.

WITHDRAWALS FROM COMMITTEE

S.B. 1282, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW, referred to the **Rules and Operations of the Senate Committee** on June 10.

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 **Judiciary I 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 **Judiciary I Committee**.

H.B. 1105, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO INSURANCE LAWS, 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 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**.

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CONFERENCE REPORT

Senator Kerr for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1292** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE ADDITIONAL LOCAL OPTION SALES TAX, THE REPEAL OF REIMBURSEMENTS, AND THE DECREASE IN THE STATE SALES TAX RATE; TO PROVIDE NO HOLD HARMLESS PAYMENTS IN THE 2002-2003 FISCAL YEAR OTHER THAN A PAYMENT EQUAL TO THE EXCESS, IF ANY, OF A LOCAL GOVERNMENT'S REPEALED REIMBURSEMENT AMOUNT OVER THREE TIMES ITS ESTIMATED PROCEEDS FROM THE NEW TAX; TO DELAY THE INCREASE IN THE CHILD TAX CREDIT BY ONE YEAR; TO DELAY THE INCREASE IN THE STANDARD DEDUCTION FOR MARRIED PERSONS BY ONE YEAR; TO UPDATE THE REFERENCE DATE TO THE INTERNAL REVENUE CODE USED TO DEFINE AND DETERMINE CERTAIN STATE TAX PROVISIONS; TO CONFORM TO THE FEDERAL ANNUAL EXCLUSION AMOUNT FOR GIFT TAXES; TO DELAY THE EFFECT OF ACCELERATED DEPRECIATION UNDER SECTION 168 OF THE CODE AND SECTION 1400L OF THE CODE; TO DISREGARD THE PHASE-OUT OF THE STATE DEATH TAX CREDIT UNDER THE CODE; TO ALLOW THE SECRETARY OF REVENUE TO RECOUP A PORTION OF THE COSTS OF ADMINISTERING THE UNAUTHORIZED SUBSTANCES TAX FROM LOCAL SALES AND USE TAX DISTRIBUTIONS; TO SET THE INSURANCE REGULATORY FEE AND THE PUBLIC UTILITY REGULATORY FEES; TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR; TO CONFORM THE DEFINITION OF BUSINESS INCOME TO FEDERAL STANDARDS; TO PROVIDE THAT IN APPORTIONING CORPORATE INCOME TO THIS STATE FOR INCOME TAX PURPOSES, SALES OF TANGIBLE PERSONAL PROPERTY IN ANOTHER STATE OR COUNTRY WHERE THE SALES ARE NOT TAXABLE ARE NOT CONSIDERED; TO CLOSE A LOOPHOLE IN THE 2001 LEGISLATION INTENDED TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO AVOID FRANCHISE TAX LIABILITY BY TRANSFERRING ASSETS TO A LIMITED LIABILITY COMPANY; AND TO ENLARGE THE CLASS OF TAXPAYERS ELIGIBLE FOR AN ENHANCED CREDIT FOR INVESTING IN LOW-INCOME HOUSING IN A COUNTY THAT SUSTAINED SEVERE OR MODERATE DAMAGE FROM A HURRICANE IN 1999, 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 1292, A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE ADDITIONAL LOCAL OPTION SALES TAX, THE REPEAL OF REIMBURSEMENTS, AND THE DECREASE IN THE STATE SALES TAX RATE; TO PROVIDE NO HOLD HARMLESS PAYMENTS IN THE 2002-2003 FISCAL YEAR OTHER THAN A PAYMENT EQUAL TO THE EXCESS, IF ANY, OF A LOCAL GOVERNMENT'S REPEALED REIMBURSEMENT AMOUNT OVER THREE TIMES ITS ESTIMATED PROCEEDS FROM THE NEW TAX; TO DELAY THE INCREASE IN THE CHILD TAX CREDIT BY ONE YEAR; TO DELAY THE INCREASE IN THE STANDARD DEDUCTION FOR MARRIED PERSONS BY ONE YEAR; TO UPDATE THE REFERENCE DATE TO THE INTERNAL REVENUE CODE USED TO DEFINE AND DETERMINE CERTAIN STATE TAX PROVISIONS; TO CONFORM TO THE FEDERAL ANNUAL EXCLUSION AMOUNT FOR GIFT

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TAXES; TO DELAY THE EFFECT OF ACCELERATED DEPRECIATION UNDER SECTION 168 OF THE CODE AND SECTION 1400L OF THE CODE; TO DISREGARD THE PHASE-OUT OF THE STATE DEATH TAX CREDIT UNDER THE CODE; TO ALLOW THE SECRETARY OF REVENUE TO RECOUP A PORTION OF THE COSTS OF ADMINISTERING THE UNAUTHORIZED SUBSTANCES TAX FROM LOCAL SALES AND USE TAX DISTRIBUTIONS; TO SET THE INSURANCE REGULATORY FEE AND THE PUBLIC UTILITY REGULATORY FEES; TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR; TO CONFORM THE DEFINITION OF BUSINESS INCOME TO FEDERAL STANDARDS; TO PROVIDE THAT IN APPORTIONING CORPORATE INCOME TO THIS STATE FOR INCOME TAX PURPOSES, SALES OF TANGIBLE PERSONAL PROPERTY IN ANOTHER STATE OR COUNTRY WHERE THE SALES ARE NOT TAXABLE ARE NOT CONSIDERED; TO CLOSE A LOOPHOLE IN THE 2001 LEGISLATION INTENDED TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO AVOID FRANCHISE TAX LIABILITY BY TRANSFERRING ASSETS TO A LIMITED LIABILITY COMPANY; AND TO ENLARGE THE CLASS OF TAXPAYERS ELIGIBLE FOR AN ENHANCED CREDIT FOR INVESTING IN LOW-INCOME HOUSING IN A COUNTY THAT SUSTAINED SEVERE OR MODERATE DAMAGE FROM A HURRICANE IN 1999, House Committee Substitute #2 Favorable 7/24/02, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #2 Favorable 7/24/02, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute #2 Favorable 7/24/02, and substitute the attached Proposed Conference Committee Substitute S1292-PCCS8787-LYx-1.

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

Date Conferees approved report: September 20, 2002.

S/John H. Kerr, III, Co-Chair
 S/David W. Hoyle, Co-Chair
 S/Anthony E. Rand
 S/Frank W. Ballance, Jr.
 S/Daniel G. Clodfelter
 S/Aaron W. Plyler
 S/Howard N. Lee
 S/Fountain Odom, Sr.
 S/Scott Thomas
 S/Allen H. Wellons
 R. C. Soles, Jr.
 S/Kay R. Hagan
 S/Linda Garrou

Conferees for the Senate

S/Paul Luebke, Chair
 S/William L. Wainwright, Vice Chair
 S/Gordon P. Allen, Sr., Vice Chair
 Charles F. Buchanan, Vice Chair
 S/Philip A. Baddour, Jr.
 S/Joe Hackney
 S/Bill Culpepper
 S/W. Pete Cunningham
 S/Martha Bedell Alexander
 S/Larry Womble
 S/Jennifer Weiss
 S/Alex Warner
 W. Edwin McMahan
 Wilma M. Sherrill
 Jim Gulley
 S/David Redwine
 S/Ruth M. Easterling
 S/Warren C. Oldham

*Conferees for the
 House of Representatives*

September 20, 2002

The text of the attached Proposed Conference Committee Substitute bill, PCCS8787-RYx-1 is as follows:

A BILL TO BE ENTITLED

AN ACT TO ACCELERATE THE ADDITIONAL ONE-HALF CENT LOCAL OPTION SALES AND USE TAX AND TO MAKE CONFORMING AND TECHNICAL CHANGES

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-517(c) reads as rewritten:

"(c)Effective Date. - A tax levied under this Article may not become effective before ~~July 1, 2003~~December 1, 2002."

SECTION 2. G.S. 105-518(b) reads as rewritten:

"(b)Ballot Question. - The question to be presented on a ballot for a special election concerning the levy of the taxes authorized by this Article must be in the following form:

' [] FOR [] AGAINST

one-half percent (1/2%) local sales and use taxes, ~~to replace the current one-half percent (1/2%) State sales and use taxes that end July 1, 2003~~in addition to all current State and local sales and use taxes."

SECTION 3. Section 34.14(b) of S.L. 2001-424 reads as rewritten:

"**SECTION 34.14.(b)** Notwithstanding the provisions of G.S. 105-466(c), a tax levied ~~during the 2003 calendar year~~ under Article 44 of Chapter 105 of the General Statutes, as enacted by this act, may become effective on ~~the first day of any calendar month beginning on or after July 1, 2003~~December 1, 2002. Notwithstanding the provisions of G.S. 105-466(c), if a county levies a tax ~~during the 2003 calendar year~~ under Article 44 of Chapter 105 of the General

Statutes, as enacted by this act, that is to become effective on or before January 1, 2003, the county is required to give the Secretary of Revenue only 30 days' advance notice of the tax levy. For taxes ~~levied on or that are to become effective after January 1, 2004~~2003, the provisions of G.S. 105-466(c) apply."

SECTION 4. To the extent the Department of Revenue's nonrecurring costs of implementing and administering Article 44 of Chapter 105 of the General Statutes, as amended, exceed funds available in its budget for the 2002-2003 fiscal year, the Department may pay the excess cost by withholding up to two hundred seventy-five thousand dollars (\$275,000) from collections under Subchapter VIII of Chapter 105 of the General Statutes.

SECTION 5. The Department of Revenue may contract for supplies, materials, equipment, and contractual services related to the provision of notice, the creation of tax forms and instructions, and the development of computer software necessitated by the amendments in this act without being subject to the requirements of Article 3 or Article 8 of Chapter 143 of the General Statutes.

SECTION 6. Notwithstanding any other provision of law, a retailer is not liable for the additional one-half percent (1/2%) tax levied by counties effective December 1, 2002, that it fails to collect from purchasers due to an inadvertent error during the month of December 2002, if the retailer can demonstrate to the Secretary the reason for the inadvertent error. An example of an inadvertent error is a delay in reprogramming point-of-sale equipment.

SECTION 7.(a) The title of Article 39 of Chapter 105 of the General Statutes reads as rewritten:

"Article 39.

First One-Cent (1¢) Local Government Sales and Use Tax."

SECTION 7.(b) G.S. 105-463 reads as rewritten:

"§ 105-463. **Short title.**

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This Article shall be known as the "~~Local~~ First One-Cent (1¢) Local Government Sales and Use Tax Act." Act."

SECTION 8.(a) The title of Article 40 of Chapter 105 of the General Statutes reads as rewritten:

"Article 40.

~~Supplemental-First One-Half Cent (1/2¢) Local Government Sales and Use Taxes-Tax."~~

SECTION 8.(b) G.S. 105-480 reads as rewritten:

"§ 105-480. **Short title.**

This Article shall be known as the ~~Supplemental~~ First One-Half Cent (1/2¢) Local Government Sales and Use Tax Act."

SECTION 9.(a) The title of Article 42 of Chapter 105 of the General Statutes reads as rewritten:

"Article 42.

~~Additional Supplemental-Second One-Half Cent (1/2¢) Local Government Sales and Use Taxes-Tax."~~

SECTION 9.(b) G.S. 105-495 reads as rewritten:

"§ 105-495. **Short title.**

This Article shall be known as the ~~Additional Supplemental~~ Second One-Half Cent (1/2¢) Local Government Sales and Use Tax Act."

SECTION 10. Notwithstanding the provisions of G.S. 105-517(b), a county may levy a tax by resolution that becomes effective on or before January 1, 2003, under Article 44 of Chapter 105 of the General Statutes by giving at least 48 hours notice of its intent to adopt the resolution, as provided under G.S. 143-318.12(b)(2).

SECTION 11. Except as otherwise provided, this act is effective when it becomes law.

The Conference Report is placed on the Calendar for Monday, September 23, for adoption upon second reading.

ENROLLED BILLS

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

S.B. 1115, AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

H.B. 1745, AN ACT TO REMOVE THE 300 PLATE REQUIREMENT FROM SPECIAL LICENSE PLATES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS' PLATES, TO MODIFY THE LOGO ON THE ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL LICENSE PLATE FOR AVIATION MAINTENANCE TECHNICIANS, NORTH CAROLINA AGRIBUSINESS, AND THE STATE'S OFFICIAL VEGETABLE, THE SWEET POTATO.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1312, AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND THE TOWNS OF HOPE MILLS AND SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT

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TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES, AND PROVIDING FOR A TIME TO TAKE OFFICE IN 2002 FOR THE RICHMOND COUNTY BOARD OF EDUCATION.

Upon motion of Senator Ballance, seconded by Senator Foxx, the Senate adjourns at 10:45 A.M. to meet Monday, September 23, at 7:05 P.M.

TWO HUNDRED THIRTY-FOURTH DAY

Senate Chamber
Monday, September 23, 2002

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:

"Jacob cheated Esau, O God. Joseph's brothers sold him into slavery. The Prodigals elder brother couldn't stand to be in the same room with him. As the Bible presents it, one of the closest of all relationships, brotherhood and sisterhood, can also be one of the most contentious.

"We're like that, aren't we? Afraid some are loved more, favored more, or given more, or get away with more. Somehow signals are crossed, opportunities are missed, messages are unheard or unheeded.

"We can't help thinking what friends we might have been with some people if they hadn't been our enemies.

"We have pretty much the same fears and hopes. In this life, we come from the same place and are headed in the same direction. Enough said. Amen."

The Chair grants leaves of absence for tonight to Senator Ballantine, Senator Carter, Senator Gulley, Senator Martin of Pitt, Senator Moore, Senator Odom, Senator Rucho, Senator Shaw of Cumberland and Senator Wellons.

Senator Rand announces that the Journal of Friday, 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.

WITHDRAWAL FROM CALENDAR

S.R. 1456, A SENATE RESOLUTION HONORING FRANCES BASDEN FOR HER SERVICE TO PENDER COUNTY.

With unanimous consent, upon motion of Senator Rand, the Senate Resolution is withdrawn from the Calendar of Tuesday, September 24, and is placed on the Calendar for Thursday, September 26.

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WITHDRAWALS FROM COMMITTEES

H.B. 1619, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS, referred to the **State and Local Government Committee** on July 17.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State and Local Government 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 **State and Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 716 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAW OF FIDUCIARIES AND DECEDENTS' ESTATES, referred to the **Judiciary I Committee** on April 25, 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 **Rules and Operations of the Senate 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 **Rules and Operations of the Senate Committee**.

CALENDAR

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

H.B. 1777 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF CERTAIN ADMINISTRATIVE RULES GOVERNING SANITATION OF HOSPITALS, NURSING HOMES, REST HOMES, AND OTHER INSTITUTIONS; TO PROVIDE FOR A FIELD TEST OF THOSE RULES; TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND THOSE RULES; TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES GOVERNING LICENSING OF FAMILY CARE HOMES AND HOMES FOR THE AGED AND INFIRM; AND TO REQUIRE THE SECRETARY OF HEALTH AND HUMAN SERVICES AND THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO DEVELOP A PROCESS FOR EXPEDITING REVIEW OF REQUESTS FOR WAIVERS FROM RULES PERTAINING TO MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

With unanimous consent, upon motion of Senator Purcell, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, September 24.

CONFERENCE REPORT

Senator Hoyle for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon House Bill 644 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY, submits for adoption the following report:

September 23, 2002

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 644, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY, Senate Finance Committee Substitute Adopted 7/2/02, Seventh Edition Engrossed 7/9/02, submit the following report:

The House and the Senate agree to the following amendment to the Senate Finance Committee Substitute adopted 7/2/02, Seventh Edition Engrossed 7/9/02, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Finance Committee Substitute adopted 7/2/02, Seventh Edition Engrossed 7/9/02, and substitute the attached Proposed Conference Committee Substitute H644-PCCSU-1 [v. 9].

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

Date Conferees approved report: September 19, 2002.

S/Wib Gulley, Chair
John H. Carrington
S/David W. Hoyle

Conferees for the Senate

S/James W. Crawford, Jr., Chair
S/Joanne W. Bowie
S/Charles F. Buchanan
S/Debbie A. Clary
S/E. Nelson Cole
Andrew T. Dedmon
S/Drew P. Saunders

*Conferees for the
House of Representatives*

The text of the attached Proposed Conference Committee Substitute, PCCS H644-PCCSSU-1 is as follows:

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH
CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 6H.

"Public Toll Roads and Bridges.

"§ 136-89.180. **Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway and bridge construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program

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can speed the implementation of needed transportation improvements by funding some projects with tolls.

"§ 136-89.181. Definitions.

The following definitions apply to this Article:

- (1) "Department" means the North Carolina Department of Transportation.
- (2) "Turnpike Authority" means the public agency created by this Article.
- (3) "Authority Board" means the governing board of the Turnpike Authority.
- (4) "Turnpike Project" means a road, bridge, or tunnel project planned, or planned and constructed, in accordance with the provisions of this Article.
- (5) "Turnpike System" means collectively all Turnpike Projects developed in accordance with the provisions of this Article.

"§ 136-89.182. North Carolina Turnpike Authority.

(a) Creation. – There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority". The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. – The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Authority Board. – The North Carolina Turnpike Authority shall be governed by a nine-member Authority Board consisting of two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, four members appointed by the Governor, and the Secretary of Transportation. Each appointing authority shall appoint members who reside in diverse regions of the State. The Chair of the Authority shall be selected by the Authority Board.

(d) Board of Transportation Members. – No more than two members of the North Carolina Board of Transportation may serve as members of the Authority Board.

(e) Staggered Terms. – One of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the Speaker of the House of Representatives, and three of the initial appointments of the Governor shall be appointed to terms ending January 14, 2007. One of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the Speaker of the House of Representatives, and one of the initial appointments of the Governor shall be appointed to terms ending January 14, 2005. The Secretary of Transportation shall serve as an ex officio voting member of the Board. Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of four years from the date of the expiration of the term.

(f) Vacancies. – All members of the Authority Board shall remain in office until their successors are appointed and qualified. The original appointing authority may appoint a member to serve out the unexpired term of any member.

(g) Removal of Board Members. – Each member of the Authority Board,

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notwithstanding subsection (e) of this section, shall serve at the pleasure of the appointing authority. The Chair of the Authority serves at the pleasure of the Authority Board.

(h) Conflicts of Interest, Ethics. – Members of the Authority Board shall be subject to the provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. – The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. – The Authority Board shall adopt, change, or amend bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine. Any bylaws, or subsequent changes or amendments to the bylaws, shall be submitted to the Board of Transportation and the Joint Legislative Transportation Oversight Committee for review and comment at least 45 days prior to adoption by the Authority Board.

(k) Executive Director and Administrative Employees. – The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure. The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article. The Executive Director or his designee shall appoint, employ, dismiss, and, within the limits approved by the Authority Board, fix the compensation of administrative employees as the Executive Director deems necessary to carry out this Article. The Authority shall report the hiring of all administrative employees to the Joint Legislative Transportation Oversight Committee within 30 days of the date of employment.

(l) Office. – The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"§ 136-89.183. Powers of the Authority.

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article, including the following:

- (1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.
- (2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain three Turnpike Projects, either on its own initiative or at the request of the Board of Transportation. One of the Turnpike Projects shall be located in whole or in part in a county with a population equal to or greater than 650,000 persons, according to the latest decennial census, and one Turnpike Project shall be located in a county or counties that each have a population of fewer than 650,000 persons, according to the latest decennial census. A Turnpike Project selected for construction by the Turnpike Authority shall be included in any applicable locally adopted comprehensive transportation plans and shall be shown in the current State Transportation Improvement Plan prior to the letting of a contract for the Turnpike Project.
- (3) To study, plan, develop and undertake preliminary design work on three Turnpike Projects, in addition to the three turnpike projects described in subdivision (2) of this subsection, either on its own initiative or at the request of the Board of Transportation. The Authority shall take no further action on a project described by this subdivision unless authorized to do so by Statute.
- (4) To rent, lease, purchase, acquire, own, encumber, dispose of, or

- mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.
- (5) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Projects. Prior to the effective date of any toll or fee for use of a Turnpike Facility, the Authority shall submit a description of the proposed toll or fee to the Board of Transportation, the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations for review.
 - (6) To issue bonds or notes of the Authority as provided in this Article.
 - (7) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.
 - (8) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.
 - (9) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, the State or its political subdivisions, local governments, or any other public or private sources available.
 - (10) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article, in accordance with the review and comment requirements of G.S. 136-89.182(j).
 - (11) To utilize employees of the Department; to contract for the services of consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants; to employ administrative staff as may be required in the judgment of the Authority; and to fix and pay fees or compensation to the Department, contractors, and administrative employees from funds available to the Authority.
 - (12) To receive and use appropriations from the State and federal government.
 - (13) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.
 - (14) To perform or procure any portion of services required by the Authority.
 - (15) To use officers, employees, agents, and facilities of the Department for the purposes and upon the terms as may be mutually agreeable.
 - (16) To contract for the construction, maintenance, and operation of a Turnpike Project.
 - (17) To enter into partnership agreements, agreements with political subdivisions of the State, and agreements with private entities, and to expend such funds as it deems necessary, pursuant to such agreements, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority Board present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director or the Executive Director's designee, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or

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authority to give operational directives to any employee of the Authority other than the Executive Director or the Director's designee.

"§ 136-89.184. Acquisition of real property.

(a) General. – The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. – To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"§ 136-89.185. Taxation of property of Authority.

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"§ 136-89.186. Audit.

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"§ 136-89.187. Conversion of free highways prohibited.

The Authority Board is prohibited from converting any segment of the nontolled State highway system to a toll facility.

"§ 136-89.188. Use of revenues.

(a) Revenues derived from Turnpike Projects authorized under this Article shall be used only for Authority administration costs; Turnpike Project development, right-of-way acquisition, construction, operation, and maintenance; and debt service on the Authority's revenue bonds or related purposes such as the establishment of debt service reserve funds.

(b) The Authority may use up to one hundred percent (100%) of the revenue derived from a Turnpike Project for debt service on the Authority's revenue bonds or for a combination of debt service and operation and maintenance expenses of the Turnpike Projects.

(c) The Authority shall use not more than five percent (5%) of total revenue derived from all Turnpike Projects for Authority administration costs.

"§ 136-89.189. Turnpike Authority revenue bonds.

The Authority shall be a municipality for purposes of Article 5 of Chapter 159 of the General Statutes, the State and Local Government Revenue Bond Act, and may issue revenue bonds pursuant to that Act to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds. In connection with the issuance of revenue bonds, the Authority shall have all powers of a municipality under the State and Local Government Revenue Bond Act, and revenue bonds issued by the Authority shall be entitled to the protection of all provisions of the State and Local Government Revenue Bond Act.

"§ 136-89.190. Sale of Turnpike Authority revenue bonds.

Revenue bonds of the Authority issued pursuant to G.S. 136-89.189 and the State and Local Government Revenue Bond Act shall be sold in accordance with and pursuant to Article 7 of Chapter 159 of the General Statutes.

"§ 136-89.191. Cost participation by Department of Transportation.

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"§ 136-89.192. Equity distribution formula.

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway

projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of the Authority's bonds or notes, project loans, or toll collections shall not be included in the distribution formula.

"§ 136-89.193. Annual plan of work; annual and quarterly reports.

(a) Annual Plan of Work. – The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. – The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Semiannual Reports. – The Authority shall submit semiannual reports to the Joint Legislative Transportation Oversight Committee, and more frequent reports if requested. The reports shall summarize the Authority's activities during the preceding six months, and shall contain any information about the Authority's activities that is requested by the Committee.

(d) Report Prior to Let of Contracts.—The Authority shall consult with and report to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations prior to the letting of any contract for Turnpike Project construction authorized under G.S. 136-183(a)(2).

(e) Report Prior to Study and Design.—The Authority shall consult with and report to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations prior to the study, planning, development or design of any Turnpike Project authorized under G.S. 136-89.183(a)(3).

"§ 136-89.194. Laws applicable to the Authority; exceptions.

(a) Motor Vehicle Laws. – The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Contracting. – For the purposes of implementing this Article, the Authority shall solicit competitive proposals for the construction of Turnpike Projects in accordance with the provisions of Article 2 of this Chapter. Contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with construction of Turnpike Projects shall be solicited in accordance with procedures utilized by the Department of Transportation.

(c) Alternative Contracting Methods. – Notwithstanding the provisions of subsection (b) of this section, the Authority may authorize the use of alternative contracting methods if:

- (1) The authorization applies to an individual project;
- (2) The Authority has concluded, and documented in writing, that the alternative contracting method is necessary because the project cannot be completed utilizing the procedures of Article 2 of this Chapter within the necessary time frame or available funding or for other reasons the Authority deems in the public interest;
- (3) The Authority has provided, to the extent possible, for the solicitation of competitive proposals prior to awarding a contract; and
- (4) The approved alternative contracting method provides for reasonable compliance with the disadvantaged business

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participation goals of G.S. 136-28.4.

"§ 136-89.195. Internet report of funds expended.

The Department shall publish and update annually on its Internet web site a record of all expenditures of the Authority for highway construction, maintenance, and administration. The record shall include a total expenditure amount by county. For each Turnpike Project, the record shall include a readily identifiable project name or location, the nature of the project, the amount of the project, the contractor for the project, the date of project letting, and the actual or expected project completion date.

"§ 136-89.196. Removal of tolls.

The Authority shall, upon fulfillment of and subject to any restrictions included in the agreements entered into by the Authority in connection with the issuance of the Authority's revenue bonds, remove tolls from a Turnpike Project.

"§ 136-89.197. Maintenance of nontoll routes.

The Department shall maintain an existing, alternate, comparable nontoll route corresponding to each Turnpike Project constructed pursuant to this Article. "

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-158.2. Control of vehicles on Turnpike System.

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls."

SECTION 3. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation and project development costs of the North Carolina Turnpike Authority are eligible administrative expenses under this subsection. Any funds allocated to the Authority pursuant to this subsection shall be repaid by the Authority from its toll revenue as soon as possible, subject to any restrictions included in the agreements entered into by the Authority in connection with the issuance of the Authority's revenue bonds. Beginning one year after the Authority begins collecting tolls on a completed Turnpike Project, interest shall accrue on any unpaid balance owed to the Highway Trust Fund at a rate equal to the State Treasurer's average annual yield on its investment of Highway Trust Fund funds pursuant to G.S. 147-6.1. Interest earned on the unpaid balance shall be deposited in the Highway Trust Fund upon repayment. The rest of the funds in the Trust Fund shall be allocated and used as follows:

- (1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.
- (2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.
- (3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.
- (4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond

Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 4. G.S. 126-5(c1) is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...
(21) Employees of the North Carolina Turnpike Authority."

SECTION 5. G.S. 120-123 is amended by adding a new subdivision to read:

"§ 120-123. **Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...
(75) The North Carolina Turnpike Authority."

SECTION 6. G.S. 159-81(1) reads as rewritten:

"(1) 'Municipality' means a county, city, town, incorporated village, sanitary district, metropolitan sewerage district, metropolitan water district, county water and sewer district, water and sewer authority, hospital authority, hospital district, parking authority, special airport district, regional public transportation authority, regional transportation authority, regional natural gas district, regional sports authority, airport authority, joint agency created pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes, ~~and a~~ joint agency authorized by agreement between two cities to operate an airport pursuant to G.S. 63-56, and the North Carolina Turnpike Authority created pursuant to Article 6H of Chapter 136 of the General Statutes, but not any other forms of State or local government."

SECTION 7. G.S. 159-81(3) read as rewritten:

"(3) 'Revenue bond project' means any undertaking for the acquisition, construction, reconstruction, improvement, enlargement, betterment, or extension of any one or combination of the following revenue-producing utility or public service enterprise facilities or systems owned or leased as lessee by the issuing unit, to be financed through the issuance of revenue bonds, thereby providing funds to pay the costs of the undertaking or to reimburse funds loaned or advanced by the State or a municipality to pay the costs of the undertaking:

- a. Water systems or facilities, including all plants, works, instrumentalities and properties used or useful in obtaining, conserving, treating, and distributing water for domestic or industrial use, irrigation, sanitation, fire protection, or any other public or private use.
- b. Sewage disposal systems or facilities, including all plants, works, instrumentalities, and properties used or useful in the collection, treatment, purification, or

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- disposal of sewage.
- c. Systems or facilities for the generation, production, transmission, or distribution of gas (natural, artificial, or mixed) or electric energy for lighting, heating, or power for public and private uses, where gas systems shall include the purchase and/or lease of natural gas fields and natural gas reserves and the purchase of natural gas supplies, and where any parts of such gas systems may be located either within the State or without.
 - d. Systems, facilities and equipment for the collection, treatment, or disposal of solid waste.
 - e. Public transportation systems, facilities, or equipment, including but not limited to bus, truck, ferry, and railroad terminals, depots, trackages, vehicles, and ferries, and mass transit systems.
 - f. Public parking lots, areas, garages, and other vehicular parking structures and facilities.
 - g. Aeronautical facilities, including but not limited to airports, terminals, and hangars.
 - h. Marine facilities, including but not limited to marinas, basins, docks, dry docks, piers, marine railways, wharves, harbors, warehouses, and terminals.
 - i. Hospitals and other health-related facilities.
 - j. Public auditoriums, gymnasiums, stadiums, and convention centers.
 - k. Recreational facilities.
 - l. In addition to the foregoing, in the case of the State of North Carolina, low-level radioactive waste facilities developed pursuant to Chapter 104G of the General Statutes, hazardous waste facilities developed pursuant to Chapter 130B of the General Statutes, and any other project authorized by the General Assembly.
 - m. Economic development projects, including the acquisition and development of industrial parks, the acquisition and resale of land suitable for industrial or commercial purposes, and the construction and lease or sale of shell buildings in order to provide employment opportunities for citizens of the municipality.
 - n. Facilities for the use of any agency or agencies of the government of the United States of America.
 - o. Structural and natural stormwater and drainage systems of all types.
 - p. In the case of the North Carolina Turnpike Authority, a Turnpike Project, as defined in G.S. 136-89.181, including the planning and design of a Turnpike Project, that is designated by the Authority to be a revenue bond project.

The cost of an undertaking may include all property, both real and personal and improved and unimproved, plants, works, appurtenances, machinery, equipment, easements, water rights, air rights, franchises, and licenses used or useful in connection with any of the foregoing utilities and enterprises; the cost of demolishing or moving

structures from land acquired and the cost of acquiring any lands to which such structures are to be moved; financing charges; the cost of plans, specifications, surveys, and estimates of cost and revenues; administrative and legal expenses; and any other expense necessary or incident to the project."

SECTION 8. G.S. 159-96 is amended by adding a new subsection to read:

"(e) In the case of a Turnpike Project of the North Carolina Turnpike Authority, the Turnpike Project may be located anywhere in the State the Authority is authorized to maintain a Turnpike Project."

SECTION 9. The Authority shall evaluate the feasibility of encouraging mass transit and ridesharing in its proposed toll road facilities.

SECTION 10. This act is effective when it becomes law.

With unanimous consent, upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed on tonight's Calendar for adoption.

ENROLLED BILLS

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

S.B. 589, AN ACT TO PERMIT THE HIGHWAY USE OF OFF-ROAD VEHICLES USED IN AGRICULTURE QUARANTINE PROGRAMS.

S.B. 1238, AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO THE RETIREMENT SYSTEMS DIVISION.

S.B. 1275, AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL

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SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

CHAPTERED BILLS

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

S.B. 1312, AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND THE TOWNS OF HOPE MILLS AND SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES, AND PROVIDING FOR A TIME TO TAKE OFFICE IN 2002 FOR THE RICHMOND COUNTY BOARD OF EDUCATION. (Became law upon ratification, September 20, 2002—S.L.-2002-118.)

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 Purcell for the **Health Care Committee**:

H.B. 1313 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING AND TO MAKE CONFORMING CHANGES TO CHAPTER 8B AND CHAPTER 143B, with a favorable report.

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

CALENDAR *(continued)*

S.B. 1146 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, for concurrence, upon third reading.

The Senate concurs in the House Committee Substitute bill upon its third reading, by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Berger, Bingham, Carpenter, Carrington, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—40.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

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S.J.R. 1476, A JOINT RESOLUTION HONORING THE MEMORY OF J.W. MARSH ON THE OCCASION OF THE TOWN OF MARSHVILLE'S ONE HUNDRED TWENTY-FIFTH ANNIVERSARY.

Upon motion of Senator Plyler, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of Senator Plyler and Senator Purcell memorializing J.W. Marsh and honoring the Town of Marshville upon its 125th Anniversary are spread upon the Journal, as follows:

Senator Plyler:

"Thank you Mr. President. Members of the Senate, it is a real pleasure for me to stand here this evening and talk about Marshville, North Carolina. You know when you go up Highway 74 out of Anson County you go into a little area there and it looks like it's just a wide place in the road but it is a very important part of Union County and North Carolina. Marshville is about fifteen miles from Wadesboro and about twelve miles from Monroe and it has over the years been one of the favorite places in Union County. Some of the people that have lived there have really and truly developed a great market for their products and agriculture and various things that they have done in the town of Marshville and the surrounding areas. It is already listed on the Resolution that several businesses that are there, some of the ones that have done the major parts of developing Marshville and the area, but I would like to mention two or three others. The Stegall Company, the Stegall Trucking Company, the Stegall Lumber Company, and the various things that the Stegalls have done over the years, have helped develop that area very much. One of the young men that has one of the thriving business across the Country is U.S. Helicopter by young Chris Horne, Jr. He has about twenty helicopters and when you see news on the TV across the southeast and into Texas, Colorado and other places, you'll see the helicopters owned by this company. They have made a lot of movies and young Chris is rated as the second top helicopter stunt pilot in the whole world. They made the movie there that has already been mentioned, *The Color Purple*. I was going to Monroe one Friday afternoon and it was 101 degrees on the thermometer on my car and I happened to look to my right there in downtown Marshville and it was snowing like you have never seen it snow before. They were making artificial snow there so that was one of the spectacular things of this movie. Randy Travis, which is Randy Trawick as known there, but Randy Travis is known all over the world for his singing. He was born and raised right outside of Marshville. Many people have developed the area there and, of course, one of the things that we have always prided ourselves with was turkeys, poultry, and all kinds of livestock. If you have ever eaten any smoked turkey from the Stegall Smoked Turkeys in Marshville, you will know that is the original smoked turkey in the country. They started it there some forty-five to fifty years ago. You know its a real pleasure to have served the people in Marshville and surrounding area for twenty-eight years in the General Assembly and seeing how it has grown and seeing how they have progressed in many ways. It is just a real thrill for me to go to Marshville, as I did on Saturday, to their Boll Weevil Jamboree and they'd have the town full of people and people come from all over down in South Carolina and other areas across North Carolina. They have that every year. If you ever have the opportunity to go to the Jamboree, they have good food, good music, and good fellowship. Mr. President, the Mayor, the Council, and the Mayor's family and another person is in the gallery and at the proper time I would ask that you introduce them and at the proper time I would like to make a motion that this resolution go to the House by special message. Thank you."

Senator Purcell:

"Thank you Mr. President. I just want to speak briefly on the Resolution. I think the resolution and Senator Plyler really covered it pretty well, but I would encourage you if

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you are ever going through Marshville and need really a treat, get one of their smoked turkeys that Senator Plyler mentioned. They are really a great treat and make great gifts, also. If you ever want to give me one that would be fine. But, I want to say to the Mayor and members of the Council and all that are here that we are very happy about this occasion and I extend my sincere congratulations on the 125th Anniversary of Marshville and I know that there are going to be many, many more very successful years ahead. "

The joint resolution passes its second reading (40-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Plyler and Senator Purcell, the President Pro Tempore extends the courtesies of the gallery to Mayor Larry B. Smith, Jr., his wife Tina, and his children, Camden and Russell; Council Member Dora Bridget; Council Member Denise Whitley; Town Administrator Carl Webber; and Ann Marsh McBride, great niece of founding father J.W. Marsh.

S.B. 1161 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES, TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, for concurrence, upon third reading.

The Senate concurs in the House Committee Substitute bill upon its third reading, by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Berger, Bingham, Carpenter, Carrington, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—40.

Voting in the negative: None.

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

S.B. 1292 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE ADDITIONAL ONE-HALF CENT LOCAL OPTION SALES AND USE TAX AND TO MAKE CONFORMING AND TECHNICAL CHANGES, for adoption, upon second reading.

With unanimous consent, upon motion of Senator Kerr, the Conference Report is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, September 24, for adoption, upon second reading.

H.B. 623 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, for adoption, upon second reading.

Upon motion of Senator Clodfelter, the Conference Report is adopted on its second reading, by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Berger, Bingham, Carpenter, Carrington, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—40.

Voting in the negative: None.

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The Conference Report remains on the Calendar for tomorrow, Tuesday, September 24, for adoption, upon third reading.

H.B. 644 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY, for adoption, placed earlier on tonight's Calendar.

The Senate adopts the Conference Report (32-8).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

S.B. 1136, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL LAWS OF THE 17TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on June 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**.

Upon motion of Senator Rand, seconded by Senator Webster, the Senate adjourns at 7:48 P.M. subject to receipt of messages from the House of Representatives, conference reports, and committee reports, to meet tomorrow, Tuesday, September 24, at 11:00 A.M.

TWO HUNDRED THIRTY-FIFTH DAY

Senate Chamber
Tuesday, September 24, 2002

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, we've heard that 20% of the people do 80% of the work. When asked for help, keep us from saying that we don't have time. Those who are busiest can make time for others. Those, however, who have more time than they know what to do with are those who refuse to do something when asked.

"What these people lack is not time but heart. Help us to be people with heart and time for tasks and others today. Amen."

The Chair grants leaves of absence for today to Senator Carter, Senator Gulley, Senator Martin of Pitt, Senator Miller, Senator Moore, Senator Odom and Senator Plyler.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, September 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.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
September 24, 2002

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. 1292 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE ADDITIONAL ONE-HALF CENT LOCAL OPTION SALES AND USE TAX AND TO MAKE CONFORMING AND TECHNICAL 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

ENROLLED BILLS

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

S.B. 1161, AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES, TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1146, AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES.

CALENDAR

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

H.B. 623 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS.

With unanimous consent, upon motion of Senator Clodfelter, the Conference Report is withdrawn from today's Calendar and is placed on the Calendar for Thursday, September 26, for adoption upon third reading.

REPORTS OF COMMITTEES

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

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

H.B. 1519 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REFUSE TO ISSUE A CERTIFICATE OF TITLE FOR, AND TO REFUSE OR CANCEL THE REGISTRATION OF, A MOTOR VEHICLE OWNED BY A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD; TO CLARIFY THE DEFINITION OF INTERSTATE AND INTRASTATE MOTOR CARRIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DETERMINE THE SAFETY FITNESS OF INTRASTATE MOTOR CARRIERS; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PROHIBIT THE INTRASTATE OPERATIONS OF A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD, with a favorable report.

S.B. 1282, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4778, which changes the title to read **S.B. 1282** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY RULES FOR SHARING OF JUVENILE INFORMATION BETWEEN AGENCIES, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1777 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF CERTAIN ADMINISTRATIVE RULES GOVERNING SANITATION OF HOSPITALS, NURSING HOMES, REST HOMES, AND OTHER INSTITUTIONS; TO PROVIDE FOR A FIELD TEST OF THOSE RULES; TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND THOSE RULES; TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES GOVERNING LICENSING OF FAMILY CARE HOMES AND HOMES FOR THE AGED AND INFIRM; AND TO REQUIRE THE SECRETARY OF HEALTH AND HUMAN SERVICES AND THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO DEVELOP A PROCESS FOR EXPEDITING REVIEW OF REQUESTS FOR WAIVERS FROM RULES PERTAINING TO MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The Senate Committee Substitute bill passes its second reading (42-1).

Senator Ballantine objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Wednesday, September 25, upon third reading.

S.B. 1292 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE ADDITIONAL ONE-HALF CENT LOCAL OPTION SALES AND USE TAX AND TO MAKE CONFORMING AND TECHNICAL CHANGES, for adoption, upon second reading.

Upon motion of Senator Kerr, the Senate adopts the Conference Report on its second reading, by roll-call vote, ayes 28, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Clark, Clodfelter, Dalton, Dannelly, Garrou, Hagan, Harris, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—28.

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

The Conference Report remains on the Calendar for tomorrow, Wednesday, September 25, for adoption, upon third reading.

Upon motion of Senator Basnight, seconded by Senator Wellons, the Senate adjourns subject to receipt of messages from the House of Representatives, conference reports, and committee reports, to meet tomorrow, Wednesday, September 25, 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 Clodfelter for the **Judiciary I Committee**:

H.B. 1402 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING, 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 5484, is adopted and engrossed.

H.B. 1100 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CONSUMERS AND FINANCIAL INSTITUTIONS GREATER PROTECTION FROM FRAUDULENT FINANCIAL TRANSACTIONS, 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, 4287, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 1088, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COMMON LAW DETERMINES WHETHER A DRIVER OF A TRUCK OR TRACTOR TRAILER OF AN INTERSTATE MOTOR CARRIER IS AN EMPLOYEE SUBJECT TO THE WORKERS' COMPENSATION 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 8385, which changes the title to read **H.B. 1088** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS, is adopted and engrossed.

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

H.B. 1665 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND TAX LAWS RELATED TO INTERSTATE AIR COURIERS AND TO AMEND THE WAGE STANDARD UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ACCOUNT FOR THE VALUE OF HEALTH INSURANCE TO PART-TIME JOBS, with a favorable report.

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H.B. 1685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX TERRITORY AND DEANNEX TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF FOUR OAKS, with a favorable report.

H.B. 1726 (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, with a favorable report.

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

S.B. 1114 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VALOREM TAX RATE AND TO SET OUT THE BOUNDARIES OF THE TOWN OF NORMAN, with a favorable report as to concurrence.

S.B. 1136, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL LAWS OF THE 17TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8788, which changes the title to read **S.B. 1136** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE ACREAGE LIMITATION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF MARVIN, is adopted and engrossed.

H.B. 1668, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SOUTHPORT OCCUPANCY TAX, 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 4317, which changes the title to read **H.B. 1668** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SOUTHPORT OCCUPANCY TAX AND TO CLARIFY THAT THE REGULATION OF MOTOR VEHICLES ON BALD HEAD ISLAND INCLUDES THE ABILITY TO CHARGE FEES FOR THEIR USE ON THE ISLAND, is adopted and engrossed.

H.B. 1430 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; TO LIMIT THE AUTHORITY OF AGENCIES TO ESTABLISH OR INCREASE FEES CHARGED TO THE PUBLIC; AND TO EXEMPT PRISONS LOCATED ON LAND OWNED BY THE STATE AND BUILT PURSUANT TO A CONTRACT WITH THE STATE FROM PROPERTY TAX, 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 4315, which changes the title to read **H.B. 1430** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE FINANCING OF CAPITAL FACILITIES FOR THE STATE, AUTHORIZING THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR REPAIR AND RENOVATIONS, TO REFINANCE TWO PRISONS, AND TO FINANCE THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL, AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL, AND EXPANDING THE

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PURPOSES FOR WHICH COUNTIES AND MUNICIPALITIES MAY USE SPECIAL OBLIGATION BONDS, AND AMENDING RELATED GENERAL LAWS, 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. 1670 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH, SET, OR MODIFY VARIOUS FEES, 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 4316, which changes the title to read **H.B. 1670** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXPENSE ATTRIBUTION LAW AS IT APPLIES TO DEDUCTIBLE DIVIDENDS AND TO PROVIDE LIMITS ON THE POTENTIAL TAX LIABILITY, is adopted and engrossed.

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

H.B. 1564 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES WITH EXPLICIT AUTHORITY TO ASSESS A CIVIL PENALTY FOR A VIOLATION INVOLVING A VOLUNTARY REMEDIAL ACTION UNDER THE INACTIVE HAZARDOUS SITES PROGRAM CONDUCTED BY A PRIVATE ENVIRONMENTAL CONSULTING OR ENGINEERING FIRM AND TO EXPAND THE ENVIRONMENTAL PERMIT WAIVER AUTHORITY UNDER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

H.B. 1572 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 4319, is adopted and engrossed.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

H.B. 1619, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS, 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 8383, which changes the title to read **H.B. 1619** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE AFFIRMATIVE VOTE OF FOUR MEMBERS OF THE BOARD OF COMMISSIONERS OF MOORE COUNTY TO TAKE ANY ACTION BEFORE NEW MEMBERS TAKE OFFICE, is adopted and engrossed.

H.B. 716 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAW OF FIDUCIARIES AND DECEDENTS' ESTATES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8387, which changes the title to read **H.B. 716** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NONPROFIT ORGANIZATIONS TO OPERATE "CASINO NIGHTS", is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
September 24, 2002

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. 644 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

Pursuant to your message that you have adopted the report of the Conferees, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

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. 1707 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TOURISM DEVELOPMENT FOR THE NEW HANOVER COUNTY BEACH TOWNS, TO PROVIDE FOR THE ESTABLISHMENT OF A TOURISM DEVELOPMENT AUTHORITY, TO CONFORM ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY LAW TO GENERAL LAW, AND TO PROHIBIT A CONVENTION CENTER IN NEW HANOVER COUNTY FROM ENTERING INTO A CONTRACT WITH A HOTEL REQUIRING THE HOTEL TO PAY FEES OR COMMISSIONS TO THE CONVENTION CENTER BASED ON ACCOMMODATIONS PROVIDED TO INDIVIDUALS ATTENDING CONVENTION CENTER FUNCTIONS.

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

H.B. 1720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 6:03 P.M.

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TWO-HUNDRED THIRTY-SIXTH DAY

Senate Chamber
Wednesday, September 25, 2002

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:

"Sometimes, O God, the best way to open our dialog with you is to admit our shortcomings, our failings.

"The glorious truth that comes out of such a confession is the realization that every saint has a past and every sinner has a future. As recipients of your grace let us live this day with that knowledge in grateful and right relationships with you. Amen."

The Chair grants leaves of absence for today to Senator Carter, Senator Gulley, Senator Martin of Pitt, Senator Miller, Senator Moore and Senator Odom.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, September 24, 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 Pat Campbell from Chapel Hill, 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 Governor:

H.B. 644, AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

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. 1276, AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS BY EQUALIZING PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS. (Became law upon approval of the Governor, September 23, 2002–S.L.-2002-119.)

H.B. 1490, AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR AND TO CLARIFY THE FRANCHISE TAX ON ELECTRIC POWER COMPANIES. (Became law without the approval of the Governor, September 24, 2002–S.L.-2002-120.)

S.B. 1146, AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES. (Became law upon ratification, September 24, 2002–S.L.-2002-121.)

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BILLS ORDERED SENT TO THE HOUSE OF REPRESENTATIVES

With unanimous consent, upon motion of Senator Rand, all bills ordered sent to the House of Representatives through the end of the 2002 Regular Session will be sent by special message.

CALENDAR

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

H.B. 1402 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING.

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, September 26.

H.B. 716 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NONPROFIT ORGANIZATIONS TO OPERATE "CASINO NIGHTS".

Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from today's Calendar and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from today's Calendar and re-refers the measure to the **Finance Committee**.

H.B. 1088 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS.

Senator Soles offers a motion that the Senate Committee Substitute bill be withdrawn from today's Calendar and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from today's Calendar and re-refers the measure to the **Commerce Committee**.

S.B. 1136 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE ACREAGE LIMITATION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF MARVIN, upon second reading.

Senator Soles offers Amendment No. 1 which is adopted (44-0), and changes the title to read **S.B. 1136** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE ACREAGE LIMITATION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF MARVIN AND TO MAKE A SATELLITE ANNEXATION TO THE TOWN OF BRUNSWICK.

The amendment is ruled to be material, which constitutes first reading. Amendment No. 1 is ordered engrossed.

The Committee Substitute bill, as amended and engrossed, is placed on the Calendar for tomorrow, Thursday, September 26, upon second reading.

H.B. 1668 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SOUTHPORT OCCUPANCY TAX AND TO CLARIFY THAT THE REGULATION OF MOTOR VEHICLES ON BALD HEAD ISLAND INCLUDES THE ABILITY TO CHARGE FEES FOR THEIR USE ON THE ISLAND, upon second reading.

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

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

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, September 26, upon third reading.

H.B. 1685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX TERRITORY AND DEANNEX TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF FOUR OAKS, upon second reading.

The 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, Carpenter, Carrington, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, September 26, upon third reading.

H.B. 1619 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE AFFIRMATIVE VOTE OF FOUR MEMBERS OF THE BOARD OF COMMISSIONERS OF MOORE COUNTY TO TAKE ANY ACTION BEFORE NEW MEMBERS TAKE OFFICE.

The Senate Committee Substitute bill 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.

S.B. 1114 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VALOREM TAX RATE AND TO SET OUT THE BOUNDARIES OF THE TOWN OF NORMAN, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Plyler, the Senate concurs in the House Committee Substitute bill upon 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, Carpenter, Carrington, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Thursday, September 26, for concurrence upon third reading.

H.B. 1665 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND TAX LAWS RELATED TO INTERSTATE AIR COURIERS AND TO AMEND THE WAGE STANDARD UNDER THE WILLIAM S. LEE QUALITY JOBS

AND BUSINESS EXPANSION ACT TO ACCOUNT FOR THE VALUE OF HEALTH INSURANCE TO PART-TIME JOBS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—40.

Voting in the negative: Senators Foxx, Kinnaird, Shaw of Guilford and Webster—4.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, September 26, upon third reading.

H.B. 1670 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXPENSE ATTRIBUTION LAW AS IT APPLIES TO DEDUCTIBLE DIVIDENDS AND TO PROVIDE LIMITS ON THE POTENTIAL TAX LIABILITY.

The Chair rules that the Senate Committee Substitute bill does not require a call of the roll.

Without objection, Senator Hoyle, Senator Soles, and Senator Wellons request to be excused from voting on the bill due to a conflict of interest.

The Senate Committee Substitute 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 bill.

S.B. 1282 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY RULES FOR SHARING OF JUVENILE INFORMATION BETWEEN AGENCIES.

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

Senator Foxx objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Thursday, September 26.

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

H.B. 1100 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE CONSUMERS AND FINANCIAL INSTITUTIONS GREATER PROTECTION FROM FRAUDULENT FINANCIAL TRANSACTIONS.

The Senate Committee Substitute bill No. 2 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 No. 2.

H.B. 1519 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REFUSE TO ISSUE A CERTIFICATE OF TITLE FOR, AND TO REFUSE OR CANCEL THE REGISTRATION OF, A MOTOR VEHICLE OWNED BY A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD; TO CLARIFY THE DEFINITION OF INTERSTATE AND INTRASTATE MOTOR CARRIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DETERMINE THE SAFETY FITNESS OF INTRASTATE MOTOR CARRIERS; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PROHIBIT THE INTRASTATE OPERATIONS OF A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD.

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

H.B. 1564 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES WITH EXPLICIT AUTHORITY TO ASSESS A CIVIL PENALTY FOR A VIOLATION INVOLVING A VOLUNTARY REMEDIAL ACTION UNDER THE INACTIVE HAZARDOUS SITES PROGRAM CONDUCTED BY A PRIVATE ENVIRONMENTAL CONSULTING OR ENGINEERING FIRM AND TO EXPAND THE ENVIRONMENTAL PERMIT WAIVER AUTHORITY UNDER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1572 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Senate Committee Substitute bill 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.

WITHDRAWAL FROM COMMITTEE

H.B. 1105, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO INSURANCE LAWS, referred to the **Finance Committee** on September 20.

Pursuant to Rule 47(a), Senator Hoyle offers a motion that the 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 bill withdrawn from the **Finance Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

H.B. 1777 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF CERTAIN ADMINISTRATIVE RULES GOVERNING SANITATION OF HOSPITALS, NURSING HOMES, REST HOMES, AND OTHER INSTITUTIONS; TO PROVIDE FOR A FIELD TEST OF THOSE RULES; TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND THOSE RULES; TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES GOVERNING LICENSING OF FAMILY CARE HOMES AND HOMES FOR THE AGED AND INFIRM; AND TO REQUIRE THE SECRETARY OF HEALTH AND HUMAN SERVICES AND THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO DEVELOP A PROCESS FOR EXPEDITING REVIEW OF REQUESTS FOR WAIVERS FROM RULES PERTAINING TO MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The Senate Committee Substitute bill passes its third reading (43-0) and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

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

S.B. 1292 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ACCELERATE THE ADDITIONAL ONE-HALF CENT LOCAL OPTION SALES AND USE TAX AND TO MAKE CONFORMING AND TECHNICAL CHANGES, for adoption, upon third reading.

Upon motion of Senator Kerr, the Senate adopts the Conference Report on its third reading, by roll-call vote, ayes 29, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Carter, Clark, Clodfelter, Dalton, Dannelly, Garrou, Hagan, Harris, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—29.

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

Pursuant to a message received September 24 from the House of Representatives that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor by special message.

Upon motion of Senator Ballance, seconded by Senator Lucas, the Senate adjourns subject to receipt of messages from the House of Representatives, conference reports, committee reports and ratification of bills, to meet tomorrow, Thursday, September 26, at 10:05 A.M.

ENROLLED BILLS

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

S.B. 1292, AN ACT TO ACCELERATE THE ADDITIONAL ONE-HALF CENT LOCAL OPTION SALES AND USE TAX AND TO MAKE CONFORMING AND TECHNICAL CHANGES.

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. 1040 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS SECOND TIER BENEFIT QUALIFICATION FOR NORTH CAROLINA, with a favorable report.

H.B. 1523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS, with a favorable report.

H.B. 1638 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE ALE DIVISION WHEN INVESTIGATING ABC PERMIT

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APPLICANTS, LOCAL LAW-ENFORCEMENT AGENCIES ISSUING PRECIOUS METAL DEALER PERMITS, THE PRIVATE PROTECTIVE SERVICES BOARD, THE ALARM SYSTEMS LICENSING BOARD, THE BOARD OF LAW EXAMINERS, THE MEDICAL BOARD, THE STATE BOARD OF DENTAL EXAMINERS, THE BOARD OF PHARMACY, THE BOARD OF MORTUARY SCIENCE, THE REAL ESTATE COMMISSION, THE COMMISSIONER OF LABOR WHEN INVESTIGATING PRIVATE PERSONNEL SERVICE LICENSE APPLICANTS, THE STRUCTURAL PEST CONTROL COMMITTEE, AND CITIES WHEN INVESTIGATING TAXI LICENSE APPLICANTS AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, AND TO CONFORM SEX OFFENDER LAWS TO FEDERAL REQUIREMENTS, with a favorable report, as amended.

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

S.B. 1281 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY TORT CLAIM AND DUTY TO DEFEND EMPLOYEES LIABILITY OF OCCUPATIONAL LICENSING BOARDS; TO PROVIDE FOR FLEXIBILITY IN DISCIPLINARY MATTERS AND TO SECURE EXAM SCORES BY THE REAL ESTATE COMMISSION; AND TO AUTHORIZE THE BOARD OF LANDSCAPE ARCHITECTS TO RETAIN PRIVATE COUNSEL, 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, 4780, which changes the title to read **S.B. 1281** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY TORT CLAIM AND DUTY TO DEFEND EMPLOYEES LIABILITY OF OCCUPATIONAL LICENSING BOARDS; TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE REAL ESTATE COMMISSION; TO AUTHORIZE THE BOARD OF LANDSCAPE ARCHITECTS TO RETAIN PRIVATE COUNSEL; AND TO REQUIRE PROFESSIONAL EMPLOYER ORGANIZATIONS TO REGISTER WITH THE DEPARTMENT OF INSURANCE, is adopted and engrossed.

H.B. 1307, A BILL TO BE ENTITLED AN ACT RELATING TO THE CONVERSION OF EXISTING RESIDENTIAL DEVELOPMENTS TO PLANNED COMMUNITIES, 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 8379, which changes the title to read **H.B. 1307** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MORTGAGE LENDING ACT TO AUTHORIZE LICENSURE OF EXCLUSIVE MORTGAGE BROKERS UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE CRIMINAL HISTORY BACKGROUND CHECKS ON APPLICANTS AND LICENSEES UNDER THE MORTGAGE LENDING ACT, AND TO PROVIDE FOR THE APPROVAL OF EDUCATIONAL COURSES UNDER THE MORTGAGE LENDING ACT, is adopted and engrossed.

H.B. 1313 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING AND TO MAKE CONFORMING CHANGES TO CHAPTER 8B AND CHAPTER 143B, 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 5484, is adopted and engrossed.

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By Senator Robinson for the **State and Local Government Committee**:

H.B. 1611 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY AND TO REQUIRE PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY, with a favorable report.

S.B. 1326, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON TO IMPOSE TERM LIMITS ON THE MEMBERS OF THE CITY'S UTILITIES COMMISSION, with a favorable report.

By Senator Soles for the **Commerce Committee**:

H.B. 1088 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS, 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, 4328, is adopted and engrossed.

By Senator Reeves for the **Information Technology Committee**:

H.B. 1501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING UNLAWFUL ACCESS OR DAMAGE TO A GOVERNMENT COMPUTER OR CAUSING DENIAL OF SERVICE AFFECTING A GOVERNMENT COMPUTER, with a favorable report.

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

H.B. 1187 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF THE SPONSOR OR INITIATOR OF A PERSUASIVE POLL, 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 1282, which changes the title to read **H.B. 1187** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT FEES FOR LEGAL SERVICES AND TO MAKE VARIOUS COURT FEES UNIFORM, is adopted and engrossed.

H.B. 1734 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RAISE THE INVESTMENT THRESHOLD FOR THE CREDIT FOR INVESTING IN MACHINERY AND EQUIPMENT; TO ESTABLISH TIERED RATES FOR THE CREDIT FOR INVESTING IN MACHINERY AND EQUIPMENT; TO REQUIRE A TAXPAYER AND ITS RELATED ENTITIES TO SATISFY ANY OUTSTANDING STATE TAX ASSESSMENTS BEFORE RECEIVING A BILL LEE ACT CREDIT; TO MODIFY THE WAGE STANDARD FOR THE CREDIT FOR WORKER TRAINING; TO MODIFY THE WAGE STANDARD FOR ENTERPRISE TIER ONE AND TWO COUNTIES; TO MODIFY THE WAGE STANDARD FOR TAXPAYERS WITH A TAX YEAR OTHER THAN A CALENDAR YEAR; TO TREAT CERTAIN PARCELS OF LAND PARTIALLY LOCATED IN A DEVELOPMENT ZONE AS IF THE ENTIRE PARCEL WERE LOCATED WITHIN THE DEVELOPMENT ZONE; TO ENACT A JOB DEVELOPMENT INVESTMENT GRANT PROGRAM TO PROVIDE

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ECONOMIC STIMULUS, TO CREATE JOBS, AND TO AID IN THE DEVELOPMENT OF BUSINESS AND INDUSTRIAL PROJECTS AND EXPANSIONS IN NORTH CAROLINA; TO MODIFY THE INDUSTRIAL DEVELOPMENT FUND TO ALLOW FOR EXPENDITURES RELATED TO TELECOMMUNICATIONS AND BROADBAND LINES AND EQUIPMENT AND TO ALLOW FOR EXPENDITURES FROM THE UTILITY ACCOUNT IN ENTERPRISE TIER THREE AREAS; AND TO MAKE A TECHNICAL CORRECTION REGARDING THE AUTHORITY OF A LOCAL GOVERNMENT TO LEVY A PROPERTY TAX FOR ECONOMIC DEVELOPMENT, 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 4330, which changes the title to read **H.B. 1734** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR STATE CONSTRUCTION PROJECTS; AND TO MAKE TECHNICAL AND CONFORMING CHANGES, is adopted and engrossed.

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

ENROLLED BILLS

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

H.B. 1519, AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REFUSE TO ISSUE A CERTIFICATE OF TITLE FOR, AND TO REFUSE OR CANCEL THE REGISTRATION OF, A MOTOR VEHICLE OWNED BY A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD; TO CLARIFY THE DEFINITION OF INTERSTATE AND INTRASTATE MOTOR CARRIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DETERMINE THE SAFETY FITNESS OF INTRASTATE MOTOR CARRIERS; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PROHIBIT THE INTRASTATE OPERATIONS OF A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD.

H.B. 1564, AN ACT TO PROVIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES WITH EXPLICIT AUTHORITY TO ASSESS A CIVIL PENALTY FOR A VIOLATION INVOLVING A VOLUNTARY REMEDIAL ACTION UNDER THE INACTIVE HAZARDOUS SITES PROGRAM CONDUCTED BY A PRIVATE ENVIRONMENTAL CONSULTING OR ENGINEERING FIRM AND TO EXPAND THE ENVIRONMENTAL PERMIT WAIVER AUTHORITY UNDER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1619, AN ACT TO REQUIRE THE AFFIRMATIVE VOTE OF FOUR MEMBERS OF THE BOARD OF COMMISSIONERS OF MOORE COUNTY TO TAKE ANY ACTION BEFORE NEW MEMBERS TAKE OFFICE.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message received 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. 1268 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF MONROE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, TO ALLOW THE TOWN OF NORWOOD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE IT, AND TO ANNEX NONCONTIGUOUS TERRITORY TO THE TOWN OF MOUNT GILEAD, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, September 26, for concurrence.

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

H.B. 1105, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO INSURANCE LAWS, 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 4327, which changes the title to read **H.B. 1105** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FUND THE OPERATIONS OF THE DEPARTMENT OF INSURANCE FOR THE FISCAL YEAR 2002-2003 THROUGH THE INSURANCE REGULATORY FUND BY EXPANDING THE PURPOSES FOR WHICH THE FUND MAY BE USED AND BY CREDITING VARIOUS FEES COLLECTED BY THE DEPARTMENT AND OTHER AGENCIES UNDER THE DEPARTMENT INTO THE FUND FOR FISCAL YEAR 2002-2003, AND TO RESTORE THE 2002-2003 BUDGET REDUCTIONS SUSTAINED BY THE DEPARTMENT OF INSURANCE, is adopted and engrossed.

H.B. 1430 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE FINANCING OF CAPITAL FACILITIES FOR THE STATE, AUTHORIZING THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR REPAIR AND RENOVATIONS, TO REFINANCE TWO PRISONS, AND TO FINANCE THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL, AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL, AND EXPANDING THE PURPOSES FOR WHICH COUNTIES AND MUNICIPALITIES MAY USE SPECIAL OBLIGATION BONDS, AND AMENDING RELATED GENERAL LAWS, 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 No. 2, 8389, is adopted and engrossed.

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Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 5:33 P.M.

TWO HUNDRED THIRTY-SEVENTH DAY

Senate Chamber
Thursday, September 26, 2002

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, Holy Scripture teaches, 'Do your best to present yourself to God as one approved by Him, a worker who has no need to be ashamed, rightly explaining the word of truth.'

"Today, keep us from wrangling over semantics when the greater good is at stake. Help us exhibit workmanship as you have defined it, the kind in which the character of the work, the character of the worker, have become inseparably God-like and good. Amen."

The Chair grants leaves of absence for today to Senator Ballance, Senator Basnight, Senator Dalton, Senator Gulley, Senator Hoyle, Senator Martin of Pitt, Senator Metcalf, Senator Moore, Senator Odom and Senator Warren.

Senator Rand announces that the Journal of yesterday, Wednesday, 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.

WITHDRAWAL FROM COMMITTEE

H.B. 1516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION, referred to the **Transportation Committee** on July 30.

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

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

CALENDAR

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

H.B. 1611 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY AND TO REQUIRE PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY.

Senator Rand offers a motion that the Committee Substitute bill be withdrawn from

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today's Calendar and re-referred to the **State and Local Government Committee**, which motion prevails with unanimous consent.

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

H.B. 1040 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS SECOND TIER BENEFIT QUALIFICATION FOR NORTH CAROLINA.

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 Monday, September 30.

H.B. 623 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, for adoption, upon third reading.

With unanimous consent, upon motion of Senator Clodfelter, the Conference Report is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, October 1, for adoption, upon third reading.

S.R. 1456, A SENATE RESOLUTION HONORING FRANCES BASDEN FOR HER SERVICE TO PENDER COUNTY, placed earlier on today's Calendar, for adoption.

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

The Senate recesses for the purpose of a **Rules and Operations of the Senate Committee** meeting.

RECESS

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

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a joint resolution 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**:

S.R. 1456, A SENATE RESOLUTION HONORING FRANCES BASDEN FOR HER SERVICE TO PENDER COUNTY, with an unfavorable report as to Senate resolution, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 6890, which changes the title to read **S.J.R. 1456** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANCES DAWSON BASDEN FOR HER SERVICE TO PENDER COUNTY, is adopted and engrossed.

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

With unanimous consent, upon motion of Senator Albertson, the Committee Substitute

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joint resolution is read in its entirety and, upon motion of Senator Soles, the remarks of Senator Albertson, Senator Ballantine, and Senator Soles, are spread upon the Journal, as follows:

Senator Albertson:

"Thank you Madame President. Members of the Senate, I think it's both fitting and proper that we take this time to honor this wonderful lady, Frances Basden from Pender County, for her years of service to the people of that county. Someone said one time that life was like a tennis game, the winners know how to serve. I can tell you based on what I knew about this lady, she was a winner in every sense of the word because she knew how to serve the people. As I think about Frances and as you listen to this resolution, she was really a trailblazer, a pioneer, in many ways. She was first Assistant Register of Deeds in Pender County, she went on to become the first woman to serve as the captain of the rescue squad, and she served in that position for a number of years. She also became a member of the Pender County Rotary Club and served as the first President for that organization. I truly believe that this lady knew what life was all about. She devoted the years of her life to serving her fellow human beings and I think that when the truth is known, that is what all of us are called to do and she was one of the best and I would recommend this resolution to you. Madame President, at the proper time we have members of her family and friends in gallery and I would appreciate it if you would recognize them."

Senator Ballantine:

"Thank you. Just briefly I wanted to say that in an age of partisan politics, me being a Republican and a part-time lawyer who sometimes went to Pender County, but my wife also practices law or did before our child, and did a lot of real estate closings, Frances was fair and honest, a woman of character and integrity, and just a fine decent person to all that came into her office, no matter what party, no matter what county. She was a woman that was admired by everyone."

Senator Soles:

"Frances Basden was truly an outstanding person. She went around doing good. In simple terms, she always was trying to find some way she could help someone else, whether you were in the Clerk of Court's Office, the Register of Deeds' Office, whether you needed the rescue squad or otherwise, she always was putting others first. I was interested to see that she was the first President of the Pender County Rotary Club, and having been a member of the one in Tabor City for some thirty or so years, I am reminded that the motto of that club is 'service before self' and certainly she took that motto to heart and she went around putting service to others before herself and I encourage you to support this resolution."

The joint resolution passes its second reading (39-0) 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 Albertson, the President extends the courtesies of the gallery to Frances Basden's family and friends: Jimmy Basden, her husband; Jimmy B. Basden, her son; Jack Barnes; Tom Bradshaw; Wayne Briley, Chief of Police Burgaw; Mary Ann Briley; Bunnie Lane; and Steve Chander.

CALENDAR (continued)

S.B. 1281 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO

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CLARIFY TORT CLAIM AND DUTY TO DEFEND EMPLOYEES LIABILITY OF OCCUPATIONAL LICENSING BOARDS; TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE REAL ESTATE COMMISSION; TO AUTHORIZE THE BOARD OF LANDSCAPE ARCHITECTS TO RETAIN PRIVATE COUNSEL; AND TO REQUIRE PROFESSIONAL EMPLOYER ORGANIZATIONS TO REGISTER WITH THE DEPARTMENT OF INSURANCE.

Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from today's Calendar, and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from today's Calendar, and re-refers the measure to the **Finance Committee**.

The Senate recesses at 10:34 A.M. for the purpose of a **Finance Committee** meeting and an **Appropriations/Base Budget Committee** meeting, to reconvene at 10:55 A.M.

RECESS

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

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

ENROLLED BILLS

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

H.B. 1245, 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 AND TO MAKE STATEWIDE A LOCAL ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY, WHICH CURRENTLY APPLIES ONLY IN CRAVEN, NASH, AND PAMILCO COUNTIES.

H.B. 1572, AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 1777, AN ACT TO DELAY THE EFFECTIVE DATE OF CERTAIN ADMINISTRATIVE RULES GOVERNING SANITATION OF HOSPITALS, NURSING HOMES, REST HOMES, AND OTHER INSTITUTIONS; TO PROVIDE FOR A FIELD TEST OF THOSE RULES; TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND THOSE RULES; TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES GOVERNING LICENSING OF FAMILY CARE HOMES AND HOMES FOR THE AGED AND INFIRM; AND TO REQUIRE THE SECRETARY OF HEALTH AND HUMAN SERVICES AND THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND

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SUBSTANCE ABUSE SERVICES TO DEVELOP A PROCESS FOR EXPEDITING REVIEW OF REQUESTS FOR WAIVERS FROM RULES PERTAINING TO MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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. 1619, AN ACT TO REQUIRE THE AFFIRMATIVE VOTE OF FOUR MEMBERS OF THE BOARD OF COMMISSIONERS OF MOORE COUNTY TO TAKE ANY ACTION BEFORE NEW MEMBERS TAKE OFFICE. (Became law upon ratification, September 25, 2002–S.L.-2002-122.)

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 Lee for the **Appropriations/Base Budget Committee**:

H.B. 1726 (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, with a favorable report.

H.B. 1734 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR STATE CONSTRUCTION PROJECTS; AND TO MAKE TECHNICAL AND CONFORMING CHANGES, with a favorable report.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 1502, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE SANDERS FOREST AND BENT TREE PLANTATION COMMUNITIES IN BRUNSWICK COUNTY, with a favorable report.

H.B. 1623, A BILL TO BE ENTITLED AN ACT TO CLASSIFY BRUNSWICK COUNTY AS A HIGH HAZARD COUNTY WITH RESPECT TO THE REGULATION OF OPEN FIRES, with a favorable report.

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

S.B. 1281 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO

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CLARIFY TORT CLAIM AND DUTY TO DEFEND EMPLOYEES LIABILITY OF OCCUPATIONAL LICENSING BOARDS; TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE REAL ESTATE COMMISSION; TO AUTHORIZE THE BOARD OF LANDSCAPE ARCHITECTS TO RETAIN PRIVATE COUNSEL; AND TO REQUIRE PROFESSIONAL EMPLOYER ORGANIZATIONS TO REGISTER WITH THE DEPARTMENT OF INSURANCE, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Committee Substitute bill No. 3.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 3, 8790, is adopted and engrossed.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill No. 3 is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 1088 (Senate Committee Substitute Bill No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS.

With unanimous consent, upon motion of Senator Soles, the Senate Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, October 1.

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

WITHDRAWAL FROM COMMITTEE

H.B. 1707 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TOURISM DEVELOPMENT FOR THE NEW HANOVER COUNTY BEACH TOWNS, TO PROVIDE FOR THE ESTABLISHMENT OF A TOURISM DEVELOPMENT AUTHORITY, TO CONFORM ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY LAW TO GENERAL LAW, AND TO PROHIBIT A CONVENTION CENTER IN NEW HANOVER COUNTY FROM ENTERING INTO A CONTRACT WITH A HOTEL REQUIRING THE HOTEL TO PAY FEES OR COMMISSIONS TO THE CONVENTION CENTER BASED ON ACCOMMODATIONS PROVIDED TO INDIVIDUALS ATTENDING CONVENTION CENTER FUNCTIONS, referred to the **State and Local Government Committee** on September 24.

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. 1668 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SOUTHPORT OCCUPANCY TAX AND TO CLARIFY THAT THE REGULATION OF MOTOR VEHICLES ON BALD HEAD ISLAND INCLUDES THE ABILITY TO CHARGE FEES FOR THEIR USE ON THE ISLAND, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Clark, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Harris,

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Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—35.

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.

H.B. 1685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX TERRITORY AND DEANNEX TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF FOUR OAKS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Clark, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—35.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 1136 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE ACREAGE LIMITATION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF MARVIN, AND TO MAKE A SATELLITE ANNEXATION TO THE TOWN OF BRUNSWICK, as amended by a material amendment, upon second reading on September 25.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Clark, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—36.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, September 30, upon third reading.

S.B. 1326, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON TO IMPOSE TERM LIMITS ON THE MEMBERS OF THE CITY'S UTILITIES COMMISSION.

The bill passes its second reading (36-0).

Senator Wellons objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for Monday, September 30, upon third reading.

S.B. 1114 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VALOREM TAX RATE AND TO SET OUT THE BOUNDARIES OF THE TOWN OF NORMAN, for concurrence, upon third reading.

Upon motion of Senator Plyler, the Senate concurs in the House Committee Substitute bill upon its third reading, by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Clark, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Harris,

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Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—36.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1268 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF MONROE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, TO ALLOW THE TOWN OF NORWOOD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE IT, AND TO ANNEX NONCONTIGUOUS TERRITORY TO THE TOWN OF MOUNT GILEAD, for concurrence, upon second reading.

Upon motion of Senator Plyler, the Senate concurs in the House Committee Substitute bill upon its second reading, by roll-call vote, ayes 34, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Clark, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—34.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill remains on the Calendar for Monday, September 30, for concurrence, upon third reading.

H.B. 1665 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND TAX LAWS RELATED TO INTERSTATE AIR COURIERS AND TO AMEND THE WAGE STANDARD UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ACCOUNT FOR THE VALUE OF HEALTH INSURANCE TO PART-TIME JOBS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 33, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Clark, Clodfelter, Dannelly, Forrester, Garrou, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Weinstein and Wellons—33.

Voting in the negative: Senators Foxx, Shaw of Guilford and Webster—3.

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

H.B. 1313 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING AND TO MAKE CONFORMING CHANGES TO CHAPTER 8B AND CHAPTER 143B, upon second reading.

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

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—37.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, September 30, upon third reading.

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

H.B. 1430 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE FINANCING OF CAPITAL FACILITIES FOR THE STATE, AUTHORIZING THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR REPAIR AND RENOVATIONS, TO REFINANCE TWO PRISONS, AND TO FINANCE THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL, AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL, AND EXPANDING THE PURPOSES FOR WHICH COUNTIES AND MUNICIPALITIES MAY USE SPECIAL OBLIGATION BONDS, AND AMENDING RELATED GENERAL LAWS, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 32, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Dannelly, Forrester, Garrou, Harris, Hartsell, Kerr, Kinnaird, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—32.

Voting in the negative: Senators Berger, Foxx, Horton and Webster—4.

The Senate Committee Substitute bill No. 2 remains on the Calendar for Monday, September 30, upon third reading.

H.B. 1523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 35, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Harris, Hartsell, Horton, Kerr, Kinnaird, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—35.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill remains on the Calendar for Monday, September 30, upon third reading.

H.B. 1638 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE ALE DIVISION WHEN INVESTIGATING ABC PERMIT APPLICANTS, LOCAL LAW-ENFORCEMENT AGENCIES ISSUING PRECIOUS METAL DEALER PERMITS, THE PRIVATE PROTECTIVE SERVICES BOARD, THE ALARM SYSTEMS LICENSING BOARD, THE BOARD OF LAW EXAMINERS, THE MEDICAL BOARD, THE STATE BOARD OF DENTAL EXAMINERS, THE BOARD OF PHARMACY, THE BOARD OF MORTUARY SCIENCE, THE REAL ESTATE COMMISSION, THE COMMISSIONER OF LABOR WHEN INVESTIGATING PRIVATE PERSONNEL SERVICE LICENSE APPLICANTS, THE STRUCTURAL PEST CONTROL COMMITTEE, AND CITIES WHEN INVESTIGATING TAXI LICENSE APPLICANTS AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, AND TO CONFORM SEX OFFENDER LAWS TO FEDERAL REQUIREMENTS, upon second reading.

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The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clark, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Harris, Hartsell, Horton, Kerr, Kinnaird, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—36.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Monday, September 30, upon third reading.

S.B. 1281 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CLARIFY TORT CLAIM AND DUTY TO DEFEND EMPLOYEES LIABILITY OF OCCUPATIONAL LICENSING BOARDS; TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE REAL ESTATE COMMISSION; TO AUTHORIZE THE BOARD OF LANDSCAPE ARCHITECTS TO RETAIN PRIVATE COUNSEL; AND TO REQUIRE PROFESSIONAL EMPLOYER ORGANIZATIONS TO REGISTER WITH THE DEPARTMENT OF INSURANCE.

The Committee Substitute bill No. 3 passes its second (36-0) and third readings and is ordered sent to the House of Representatives by special message.

The Honorable Beverly E. Perdue, Lieutenant Governor, relinquishes the gavel to Senator Rand, who presides in the absence of the Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence, presented to the Senate, read the first time and disposed of, as follows:

S.B. 1211 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM, TO AUTHORIZE THE TRANSFER OF THIS PROPERTY TO DAVIDSON COUNTY FOR MANAGEMENT AS A PARK, AND TO ALLOW CERTAIN PUBLIC ENTITIES TO USE THE FIRE TOWER AT MOUNT JEFFERSON STATE NATURAL AREA FOR PUBLIC COMMUNICATIONS PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence in the House Committee Substitute bill.

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

S.B. 204 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ROANOKE RIVER BASIN BI-STATE COMMISSION AND ROANOKE RIVER BASIN ADVISORY COMMITTEE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, September 30, for concurrence.

S.B. 1252 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, September 30, for concurrence.

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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. 1537 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS AND TO AMEND THE REPORTING REQUIREMENT FOR THE PILOT PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION; (2) PROVIDE THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION MAY HOLD CONCURRENT OFFICES CONSISTENT WITH THE PROVISIONS OF THE CONSTITUTION OF NORTH CAROLINA; (3) AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO APPROVE GRANTS FOR SMALL WATERSHED PROJECTS RELATED TO DAM REHABILITATION AND IMPROVEMENT; (4) PROVIDE THAT MEMBERS OF THE ENVIRONMENTAL REVIEW COMMISSION WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION; (5) PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS IN NORTH CAROLINA MAY RECEIVE FUNDS FROM THE CLEAN WATER REVOLVING LOAN AND GRANT FUND; (6) AUTHORIZE THE STATE INFRASTRUCTURE COUNCIL TO MEET IN THE LEGISLATIVE BUILDING AND LEGISLATIVE OFFICE BUILDING IN CERTAIN CIRCUMSTANCES; AND (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER FUNDS FROM THE GENERAL WATER SUPPLY REVOLVING LOAN AND GRANT ACCOUNT TO THE EMERGENCY WATER SUPPLY REVOLVING LOAN ACCOUNT IN ORDER TO ASSIST WATER SUPPLY SYSTEMS EXPERIENCING A DROUGHT EMERGENCY.

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

CALENDAR *(continued)*

H.B. 1105 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FUND THE OPERATIONS OF THE DEPARTMENT OF INSURANCE FOR THE FISCAL YEAR 2002-2003 THROUGH THE INSURANCE REGULATORY FUND BY EXPANDING THE PURPOSES FOR WHICH THE FUND MAY BE USED AND BY CREDITING VARIOUS FEES COLLECTED BY THE DEPARTMENT AND OTHER AGENCIES UNDER THE DEPARTMENT INTO THE FUND FOR FISCAL YEAR 2002-2003, AND TO RESTORE THE 2002-2003 BUDGET REDUCTIONS SUSTAINED BY THE DEPARTMENT OF INSURANCE.

The Senate Committee Substitute bill passes its second (35-0) 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. 1187 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT FEES FOR LEGAL SERVICES AND TO MAKE VARIOUS COURT FEES UNIFORM.

Senator Wellons offers Amendment No. 1 which is adopted (34-0).

The Senate Committee Substitute bill, as amended, passes its second reading (33-1).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, September 30.

The Chair grants leaves of absence for the remainder of today's session to Senator Miller and Senator Shaw of Cumberland.

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RECONSIDERATION

H.B. 1105 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FUND THE OPERATIONS OF THE DEPARTMENT OF INSURANCE FOR THE FISCAL YEAR 2002-2003 THROUGH THE INSURANCE REGULATORY FUND BY EXPANDING THE PURPOSES FOR WHICH THE FUND MAY BE USED AND BY CREDITING VARIOUS FEES COLLECTED BY THE DEPARTMENT AND OTHER AGENCIES UNDER THE DEPARTMENT INTO THE FUND FOR FISCAL YEAR 2002-2003, AND TO RESTORE THE 2002-2003 BUDGET REDUCTIONS SUSTAINED BY THE DEPARTMENT OF INSURANCE.

Having voted with the majority, Senator Kerr offers a motion that the vote by which the Senate Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

The question before the body becomes the passage of the Senate Committee Substitute bill on its third reading.

Upon motion of Senator Kerr, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

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

CALENDAR (continued)

H.B. 1307 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MORTGAGE LENDING ACT TO AUTHORIZE LICENSURE OF EXCLUSIVE MORTGAGE BROKERS UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE CRIMINAL HISTORY BACKGROUND CHECKS ON APPLICANTS AND LICENSEES UNDER THE MORTGAGE LENDING ACT, AND TO PROVIDE FOR THE APPROVAL OF EDUCATIONAL COURSES UNDER THE MORTGAGE LENDING ACT.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, September 30.

H.B. 1402 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING.

The Senate Committee Substitute bill passes its second (33-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

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

H.B. 1501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING UNLAWFUL ACCESS OR DAMAGE TO A GOVERNMENT COMPUTER OR CAUSING DENIAL OF SERVICE AFFECTING A GOVERNMENT COMPUTER.

The Committee Substitute bill passes its second (32-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 1282 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY RULES FOR SHARING OF JUVENILE INFORMATION BETWEEN AGENCIES.

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Senator Wellons offers Amendment No. 1 which is adopted (32-0).

Senator Foxx offers Amendment No. 2 which is adopted (32-0).

The Committee Substitute bill, as amended, passes its third reading (31-0) and is ordered engrossed and sent to the House of Representatives by special message.

H.B. 1105 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FUND THE OPERATIONS OF THE DEPARTMENT OF INSURANCE FOR THE FISCAL YEAR 2002-2003 THROUGH THE INSURANCE REGULATORY FUND BY EXPANDING THE PURPOSES FOR WHICH THE FUND MAY BE USED AND BY CREDITING VARIOUS FEES COLLECTED BY THE DEPARTMENT AND OTHER AGENCIES UNDER THE DEPARTMENT INTO THE FUND FOR FISCAL YEAR 2002-2003, AND TO RESTORE THE 2002-2003 BUDGET REDUCTIONS SUSTAINED BY THE DEPARTMENT OF INSURANCE, temporarily displaced earlier.

Senator Kerr offers Amendment No. 1 which is adopted (32-0).

The Senate Committee Substitute bill, as amended, passes its third reading (32-0) and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

Upon motion of Senator Soles, seconded by Senator Weinstein, the Senate adjourns subject to receipt of messages from the House of Representatives, conference reports, committee reports and ratification of bills, to meet Monday, September 30, at 7:05 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message received 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. 1054 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NONPARTISAN METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES BEGINNING IN 2004; TO SET \$1,000 CONTRIBUTION LIMITS (\$2,000 FROM FAMILY MEMBERS) FOR JUDICIAL CAMPAIGNS BEGINNING IN 2004; TO ESTABLISH A PUBLIC CAMPAIGN FINANCING FUND THAT PROVIDES APPELLATE JUDICIAL CANDIDATES WHO AGREE TO CONTRIBUTION AND EXPENDITURE RESTRICTIONS WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS BEGINNING IN 2004; TO SAFEGUARD CANDIDATES WHO OPT TO USE THAT SYSTEM BY PROHIBITING CERTAIN CONTRIBUTIONS TO THEIR OPPONENTS DURING THE TWENTY-ONE DAYS BEFORE AN ELECTION AND BY PROVIDING RESCUE MONEY WHEN THEY FACE LARGE EXPENDITURES BY OPPONENTS OR LARGE INDEPENDENT EXPENDITURES; TO PROVIDE A JUDICIAL VOTER GUIDE TO BE FINANCED BY THE FUND; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED BY THE STATE BOARD OF ELECTIONS ASSISTED BY AN ADVISORY COUNCIL; AND TO PROVIDE THAT THE FUND SHALL BE FINANCED BY METHODS INCLUDING A POSITIVE \$3 CHECK-OFF ON THE NORTH CAROLINA INCOME TAX AND A \$50 CONTRIBUTION BY ATTORNEYS WHEN THEY PAY THEIR PRIVILEGE LICENSE TAX, for concurrence in the House Committee Substitute bill No. 3.

The House Committee Substitute bill No. 3 is placed on the Calendar for Monday, September 30 for concurrence.

Pursuant to Senator Soles' motion to adjourn having prevailed, the Senate adjourns at 3:32 P.M.

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TWO HUNDRED THIRTY-EIGHTH DAY

Senate Chamber
Monday, September 30, 2002

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:

"Is there a lesson for us, O God, in praying again, only minutes after we have already done so?

"I think it is that if we keep bearing a path to your door, you will hear us and respond, and even if you don't bring the answers we want, you will bring yourself. Maybe at the heart of all of our prayers that is what we are really praying for anyway. Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Basnight, Senator Berger, Senator Carter, Senator Gulley, Senator Martin of Pitt, and Senator Miller.

Senator Rand announces that the Journal of Thursday, 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 tonight's Calendar are taken up and disposed of, as follows:

H.B. 1734 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR STATE CONSTRUCTION PROJECTS; AND TO MAKE TECHNICAL AND CONFORMING CHANGES, upon second reading.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, October 1, upon second reading.

INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Hagan:

S.J.R. 1477, A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF LIMITING THE ACCESSIBILITY BY MINORS OF PORNOGRAPHIC WEB SITES AND SHIELDING THEM FROM MATERIALS THAT ARE HARMFUL TO MINORS, INCLUDING THE FEASIBILITY OF ESTABLISHING A .XXX INTERNET DOMAIN.

Referred to **Rules and Operations of the Senate Committee**.

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ENROLLED BILLS

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

H.B. 1501, AN ACT CONCERNING UNLAWFUL ACCESS OR DAMAGE TO A GOVERNMENT COMPUTER OR CAUSING DENIAL OF SERVICE AFFECTING A GOVERNMENT COMPUTER.

H.B. 1665, AN ACT TO AMEND TAX LAWS RELATED TO INTERSTATE AIR COURIERS AND TO AMEND THE WAGE STANDARD UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ACCOUNT FOR THE VALUE OF HEALTH INSURANCE TO PART-TIME JOBS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1114, AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VALOREM TAX RATE AND TO SET OUT THE BOUNDARIES OF THE TOWN OF NORMAN.

H.B. 1685, AN ACT TO ANNEX TERRITORY AND DEANNEX TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF FOUR OAKS.

S.J.R. 1456, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANCES DAWSON BASDEN FOR HER SERVICE TO PENDER COUNTY.
(Res. 14)

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. 1292, AN ACT TO ACCELERATE THE ADDITIONAL ONE-HALF CENT LOCAL OPTION SALES AND USE TAX AND TO MAKE CONFORMING AND TECHNICAL CHANGES. (Became law upon approval of the Governor, September 26, 2002–S.L.-2002-123.)

CALENDAR *(continued)*

S.B. 1054 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NONPARTISAN METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES BEGINNING IN 2004; TO SET \$1,000 CONTRIBUTION LIMITS (\$2,000 FROM FAMILY MEMBERS) FOR JUDICIAL CAMPAIGNS BEGINNING IN 2004; TO ESTABLISH A PUBLIC CAMPAIGN FINANCING FUND THAT PROVIDES APPELLATE JUDICIAL CANDIDATES WHO AGREE TO CONTRIBUTION AND EXPENDITURE RESTRICTIONS WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS BEGINNING IN 2004; TO SAFEGUARD CANDIDATES WHO OPT TO USE THAT SYSTEM BY PROHIBITING CERTAIN CONTRIBUTIONS TO THEIR OPPONENTS DURING THE TWENTY-ONE DAYS BEFORE AN ELECTION AND BY PROVIDING RESCUE MONEY WHEN THEY FACE LARGE EXPENDITURES

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BY OPPONENTS OR LARGE INDEPENDENT EXPENDITURES; TO PROVIDE A JUDICIAL VOTER GUIDE TO BE FINANCED BY THE FUND; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED BY THE STATE BOARD OF ELECTIONS ASSISTED BY AN ADVISORY COUNCIL; AND TO PROVIDE THAT THE FUND SHALL BE FINANCED BY METHODS INCLUDING A POSITIVE \$3 CHECK-OFF ON THE NORTH CAROLINA INCOME TAX AND A \$50 CONTRIBUTION BY ATTORNEYS WHEN THEY PAY THEIR PRIVILEGE LICENSE TAX.

With unanimous consent, upon motion of Senator Clodfelter, the House Committee Substitute bill No. 3 is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, October 1, for concurrence in the House Committee Substitute bill No. 3.

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. 1518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, TO MODIFY THE CURRENT AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO AWARD DESIGN-BUILD CONTRACTS, AND CONCERNING CONTRACT REQUIREMENTS FOR IRON USED IN DOT PROJECTS, 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 4336, is adopted and engrossed.

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

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.

CALENDAR *(continued)*

S.B. 1136 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE ACREAGE LIMITATION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF MARVIN, AND TO MAKE A SATELLITE ANNEXATION TO THE TOWN OF BRUNSWICK, 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, Ballantine, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—41.

Voting in the negative: None.

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

September 30, 2002

H.B. 1502, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE SANDERS FOREST AND BENT TREE PLANTATION COMMUNITIES IN BRUNSWICK COUNTY.

The bill passes its second (41-0) and third readings and is ordered enrolled.

H.B. 1623, A BILL TO BE ENTITLED AN ACT TO CLASSIFY BRUNSWICK COUNTY AS A HIGH HAZARD COUNTY WITH RESPECT TO THE REGULATION OF OPEN FIRES.

Senator Soles offers Amendment No. 1 which is adopted (41-0).

The bill, as amended, passes its second (41-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

S.B. 1326, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON TO IMPOSE TERM LIMITS ON THE MEMBERS OF THE CITY'S UTILITIES COMMISSION.

The bill passes its third reading and is ordered sent to the House of Representatives by special message.

S.B. 1268 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF MONROE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, TO ALLOW THE TOWN OF NORWOOD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE IT, AND TO ANNEX NONCONTIGUOUS TERRITORY TO THE TOWN OF MOUNT GILEAD, for concurrence, upon third reading.

The Senate concurs in the House Committee Substitute bill upon its third reading, by roll-call vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—40.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill is ordered enrolled.

H.B. 1313 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING AND TO MAKE CONFORMING CHANGES TO CHAPTER 8B AND CHAPTER 143B, upon third reading.

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

Voting in the affirmative: Senators Albertson, Ballantine, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—41.

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.

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H.B. 1430 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE FINANCING OF CAPITAL FACILITIES FOR THE STATE, AUTHORIZING THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR REPAIR AND RENOVATIONS, TO REFINANCE TWO PRISONS, AND TO FINANCE THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL, AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL, AND EXPANDING THE PURPOSES FOR WHICH COUNTIES AND MUNICIPALITIES MAY USE SPECIAL OBLIGATION BONDS, AND AMENDING RELATED GENERAL LAWS, upon third reading.

Senator Kerr offers Amendment No. 1 which is adopted (40-0).

The Senate Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—38.

Voting in the negative: Senators Horton and Webster—2.

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.

H.B. 1523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—39.

Voting in the negative: Senator Webster—1.

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

H.B. 1638 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE ALE DIVISION WHEN INVESTIGATING ABC PERMIT APPLICANTS, LOCAL LAW-ENFORCEMENT AGENCIES ISSUING PRECIOUS METAL DEALER PERMITS, THE PRIVATE PROTECTIVE SERVICES BOARD, THE ALARM SYSTEMS LICENSING BOARD, THE BOARD OF LAW EXAMINERS, THE MEDICAL BOARD, THE STATE BOARD OF DENTAL EXAMINERS, THE BOARD OF PHARMACY, THE BOARD OF MORTUARY SCIENCE, THE REAL ESTATE COMMISSION, THE COMMISSIONER OF LABOR WHEN INVESTIGATING PRIVATE PERSONNEL SERVICE LICENSE APPLICANTS, THE STRUCTURAL PEST CONTROL COMMITTEE, AND CITIES WHEN INVESTIGATING TAXI LICENSE APPLICANTS AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, AND TO CONFORM SEX OFFENDER LAWS TO FEDERAL REQUIREMENTS, as amended by the **Finance Committee**, upon third reading.

Senator Clodfelter offers Amendment No. 2 which is adopted (40-0).

September 30, 2002

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

Voting in the affirmative: Senators Albertson, Ballantine, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—40.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives by special message for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1040 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS SECOND TIER BENEFIT QUALIFICATION FOR NORTH CAROLINA.

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

H.B. 1307 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MORTGAGE LENDING ACT TO AUTHORIZE LICENSURE OF EXCLUSIVE MORTGAGE BROKERS UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE CRIMINAL HISTORY BACKGROUND CHECKS ON APPLICANTS AND LICENSEES UNDER THE MORTGAGE LENDING ACT, AND TO PROVIDE FOR THE APPROVAL OF EDUCATIONAL COURSES UNDER THE MORTGAGE LENDING ACT.

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.

H.B. 1726 (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.

Senator Horton offers Amendment No. 1 which is adopted (41-0).

The Committee Substitute bill, as amended, passes its second (40-1) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

H.B. 1187 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT FEES FOR LEGAL SERVICES AND TO MAKE VARIOUS COURT FEES UNIFORM, as amended on second reading, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (39-2) and 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:

September 30, 2002

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

H.B. 760, A BILL TO BE ENTITLED AN ACT TO REQUIRE CANCER INSURANCE POLICIES TO OFFER A WELLNESS BENEFIT RIDER, 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 8390, which changes the title to read **H.B. 760** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REINSURANCE FACILITY AND BEACH AND FAIR PLAN LAWS; AMEND LAWS REGARDING DEPARTMENT OF INSURANCE OVERSIGHT OF INSURANCE COMPANY SOLVENCY; AMEND THE MANAGED CARE EXTERNAL REVIEW LAW TO PROVIDE FOR CLARITY IN MAILING NOTICES, THE SAME IMMUNITY TO MEDICAL PROFESSIONALS ADVISING THE COMMISSIONER AS PROVIDED TO EXTERNAL REVIEWERS, AND CONFIDENTIALITY OF CREDENTIALING INFORMATION IN THE POSSESSION OF THE COMMISSIONER; EXTEND THE RATE HEARING TIMETABLES FOR HOMEOWNERS' AND WORKERS' COMPENSATION INSURANCE; CLARIFY THE NORTH CAROLINA HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; EXTEND THE TIME FOR PREMIUM FINANCE COMPANY PREMIUM REFUNDS FOR AUDITED POLICIES; AMEND THE TITLE INSURANCE RESERVE LAWS TO ENHANCE INSOLVENCY PROTECTION; AND REDUCE THE NONFORFEITURE INTEREST RATE FOR INDIVIDUAL ANNUITIES, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 204 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ROANOKE RIVER BASIN BI-STATE COMMISSION AND ROANOKE RIVER BASIN ADVISORY COMMITTEE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1252 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Odom, the Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled and sent to the Governor.

Upon motion of Senator Rand, seconded by Senator Wellons, the Senate adjourns at 7:51 P.M. to meet tomorrow, Tuesday, October 1, at 3:00 P.M.

TWO HUNDRED THIRTY-NINTH DAY

Senate Chamber
Tuesday, October 1, 2002

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

October 1, 2002

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

"Dear Lord, when I read the following prayer by Carl Sandburg, I thought about the men and women of the Senate. The prayer goes: 'Lay me on an anvil, O God. Beat me and hammer me into a crowbar. Then let me pry loose old walls. Let me live and loosen old foundations.'

"It's not that easy to be a renovator when some people want the old home place left untouched and others want to tear it down. Whether it is the first day of session or we find ourselves on the closing day of session, doing what's right takes courage and prayers of steel. Amen."

The Chair grants leaves of absence for today to Senator Clark, Senator Martin of Pitt and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, September 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.

ENROLLED BILLS

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

S.B. 204, AN ACT TO ESTABLISH THE ROANOKE RIVER BASIN BI-STATE COMMISSION AND ROANOKE RIVER BASIN ADVISORY COMMITTEE.

S.B. 1252, AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 1040, AN ACT RELATING TO THE TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS SECOND TIER BENEFIT QUALIFICATION FOR NORTH CAROLINA.

H.B. 1523, AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1268, AN ACT TO ALLOW THE CITY OF MONROE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, TO ALLOW THE TOWN OF NORWOOD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE IT, AND TO ANNEX NONCONTIGUOUS TERRITORY TO THE TOWN OF MOUNT GILEAD.

H.B. 1502, AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE SANDERS FOREST AND BENT TREE PLANTATION COMMUNITIES IN BRUNSWICK COUNTY.

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

October 1, 2002

H.B. 1670, AN ACT TO CLARIFY THE EXPENSE ATTRIBUTION LAW AS IT APPLIES TO DEDUCTIBLE DIVIDENDS AND TO PROVIDE LIMITS ON THE POTENTIAL TAX LIABILITY.

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. 1114, AN ACT TO REMOVE FROM THE CHARTER OF THE TOWN OF BADIN A PROVISION ON THE AD VALOREM TAX RATE AND TO SET OUT THE BOUNDARIES OF THE TOWN OF NORMAN. (Became law upon ratification, September 30, 2002–S.L.-2002-124.)

H.B. 1685, AN ACT TO ANNEX TERRITORY AND DEANNEX TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF FOUR OAKS. (Became law upon ratification, September 30, 2002–S.L.-2002-125.)

S.B. 1115, AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2001 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE. (Became law upon approval of the Governor, September 30, 2002–S.L.-2002-126.)

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. 1640 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY; AND TO ALTER THE COMPOSITION OF THE DARE COUNTY TOURISM BOARD.

Referred to **Finance Committee**.

CALENDAR

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

H.B. 1734 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR STATE CONSTRUCTION PROJECTS; AND TO MAKE TECHNICAL AND CONFORMING CHANGES.

October 1, 2002

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, Wednesday, October 2, upon second reading.

H.B. 1088 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS.

Senator Soles offers a motion that the Committee Substitute bill No. 2 be withdrawn from today's Calendar and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from today's Calendar and re-refers the measure to the **Commerce Committee**.

H.B. 760 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REINSURANCE FACILITY AND BEACH AND FAIR PLAN LAWS; AMEND LAWS REGARDING DEPARTMENT OF INSURANCE OVERSIGHT OF INSURANCE COMPANY SOLVENCY; AMEND THE MANAGED CARE EXTERNAL REVIEW LAW TO PROVIDE FOR CLARITY IN MAILING NOTICES, THE SAME IMMUNITY TO MEDICAL PROFESSIONALS ADVISING THE COMMISSIONER AS PROVIDED TO EXTERNAL REVIEWERS, AND CONFIDENTIALITY OF CREDENTIALING INFORMATION IN THE POSSESSION OF THE COMMISSIONER; EXTEND THE RATE HEARING TIMETABLES FOR HOMEOWNERS' AND WORKERS' COMPENSATION INSURANCE; CLARIFY THE NORTH CAROLINA HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; EXTEND THE TIME FOR PREMIUM FINANCE COMPANY PREMIUM REFUNDS FOR AUDITED POLICIES; AMEND THE TITLE INSURANCE RESERVE LAWS TO ENHANCE INSOLVENCY PROTECTION; AND REDUCE THE NONFORFEITURE INTEREST RATE FOR INDIVIDUAL ANNUITIES.

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 tomorrow, Wednesday, October 2.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, 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. 348 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE COMPLIANCE WITH THE TOBACCO ESCROW STATUTE, 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, 7405, is adopted and engrossed.

With unanimous consent, upon motion of Senator Kerr, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today's Calendar.

H.B. 1707 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TOURISM DEVELOPMENT FOR THE NEW HANOVER COUNTY BEACH TOWNS, TO PROVIDE FOR THE ESTABLISHMENT OF A TOURISM DEVELOPMENT AUTHORITY, TO CONFORM ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY LAW TO GENERAL LAW, AND TO PROHIBIT

October 1, 2002

A CONVENTION CENTER IN NEW HANOVER COUNTY FROM ENTERING INTO A CONTRACT WITH A HOTEL REQUIRING THE HOTEL TO PAY FEES OR COMMISSIONS TO THE CONVENTION CENTER BASED ON ACCOMMODATIONS PROVIDED TO INDIVIDUALS ATTENDING CONVENTION CENTER FUNCTIONS, with a favorable report.

H.B. 1720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

WITHDRAWAL FROM CALENDAR

H.B. 760 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REINSURANCE FACILITY AND BEACH AND FAIR PLAN LAWS; AMEND LAWS REGARDING DEPARTMENT OF INSURANCE OVERSIGHT OF INSURANCE COMPANY SOLVENCY; AMEND THE MANAGED CARE EXTERNAL REVIEW LAW TO PROVIDE FOR CLARITY IN MAILING NOTICES, THE SAME IMMUNITY TO MEDICAL PROFESSIONALS ADVISING THE COMMISSIONER AS PROVIDED TO EXTERNAL REVIEWERS, AND CONFIDENTIALITY OF CREDENTIALING INFORMATION IN THE POSSESSION OF THE COMMISSIONER; EXTEND THE RATE HEARING TIMETABLES FOR HOMEOWNERS' AND WORKERS' COMPENSATION INSURANCE; CLARIFY THE NORTH CAROLINA HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; EXTEND THE TIME FOR PREMIUM FINANCE COMPANY PREMIUM REFUNDS FOR AUDITED POLICIES; AMEND THE TITLE INSURANCE RESERVE LAWS TO ENHANCE INSOLVENCY PROTECTION; AND REDUCE THE NONFORFEITURE INTEREST RATE FOR INDIVIDUAL ANNUITIES, placed earlier on the Calendar for Wednesday, October 2.

Senator Metcalf offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Wednesday, October 2, 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 2, and places it on today's Calendar.

CONFERENCE REPORT

Senator Purcell for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1508** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM A TERRORIST INCIDENT USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS, submits for adoption the following report:

October 1, 2002

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 1508, A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM A TERRORIST INCIDENT USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS, Senate Judiciary II Committee Substitute Adopted 8/27/02, Sixth Edition Engrossed 8/28/02, submit the following report:

The House and Senate agree to the following amendments to the Senate Judiciary II Committee Substitute Adopted 8/27/02, Sixth Edition Engrossed 8/28/02, and the House concurs in the Senate Committee Substitute as amended:

On page 4, line 43 through page 5, line 2, by deleting those lines and substituting the following:

"data, the State Health Director shall remove from the entire data set the following direct identifiers of patients or of relatives, employers, or household members of patients: names; postal address information, other than town or city, state, and the first five digits of the zip code; geocode information; telephone numbers; fax numbers; electronic mail addresses; social security numbers; medical record numbers; health plan beneficiary numbers; account numbers; certificate or license numbers; vehicle identifiers and serial numbers, including license plate numbers; device identifiers and serial numbers; web universal resource locators (URLs); internet protocol (IP) address numbers; biometric identifiers, including finger and voice prints; and full face photographic images and any comparable images."

And on page 8, lines 7 through 13, by rewriting those lines to read:

"~~the~~ ~~The~~ Department or the local health department shall have a lien on the property of the owner, lessee, operator, or other person in control of the property where the imminent hazard existed for the cost of the abatement of the imminent hazard in the nature of a mechanic's and materialmen's lien as provided in Chapter 44A and the lien may be enforced as provided therein. hazard. The lien may be enforced in accordance with procedures provided in Chapter 44A of the General Statutes. The lien may be defeated by a showing that an imminent hazard did not exist at the time the Secretary or the local health director took the action. ~~The owner lessee, operator, or any other person against whose property the lien has been filed may defeat the lien by showing that that person was not culpable in the creation of the imminent hazard.~~"

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

Date Conferees approved report: September 30, 2002

October 1, 2002

S/William R. Purcell
 S/Allen H. Wellons
 S/Kay R. Hagan
 S/Charlie S. Dannelly
 S/James Forrester
 S/William N. Martin

S/Zeno L. Edwards, Jr.
 S/Phillip A. Baddour, Jr.
 Art Pope

Conferees for the Senate

*Conferees for the
 House of Representatives*

The Conference Report is placed on the Calendar for Wednesday, October 2, for adoption.

CALENDAR *(continued)*

H.B. 760 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE REINSURANCE FACILITY AND BEACH AND FAIR PLAN LAWS; AMEND LAWS REGARDING DEPARTMENT OF INSURANCE OVERSIGHT OF INSURANCE COMPANY SOLVENCY; AMEND THE MANAGED CARE EXTERNAL REVIEW LAW TO PROVIDE FOR CLARITY IN MAILING NOTICES, THE SAME IMMUNITY TO MEDICAL PROFESSIONALS ADVISING THE COMMISSIONER AS PROVIDED TO EXTERNAL REVIEWERS, AND CONFIDENTIALITY OF CREDENTIALING INFORMATION IN THE POSSESSION OF THE COMMISSIONER; EXTEND THE RATE HEARING TIMETABLES FOR HOMEOWNERS' AND WORKERS' COMPENSATION INSURANCE; CLARIFY THE NORTH CAROLINA HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; EXTEND THE TIME FOR PREMIUM FINANCE COMPANY PREMIUM REFUNDS FOR AUDITED POLICIES; AMEND THE TITLE INSURANCE RESERVE LAWS TO ENHANCE INSOLVENCY PROTECTION; AND REDUCE THE NONFORFEITURE INTEREST RATE FOR INDIVIDUAL ANNUITIES.

The Senate Committee Substitute bill passes its second (47-0) 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. 1054 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NONPARTISAN METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES BEGINNING IN 2004; TO SET \$1,000 CONTRIBUTION LIMITS (\$2,000 FROM FAMILY MEMBERS) FOR JUDICIAL CAMPAIGNS BEGINNING IN 2004; TO ESTABLISH A PUBLIC CAMPAIGN FINANCING FUND THAT PROVIDES APPELLATE JUDICIAL CANDIDATES WHO AGREE TO CONTRIBUTION AND EXPENDITURE RESTRICTIONS WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS BEGINNING IN 2004; TO SAFEGUARD CANDIDATES WHO OPT TO USE THAT SYSTEM BY PROHIBITING CERTAIN CONTRIBUTIONS TO THEIR OPPONENTS DURING THE TWENTY-ONE DAYS BEFORE AN ELECTION AND BY PROVIDING RESCUE MONEY WHEN THEY FACE LARGE EXPENDITURES BY OPPONENTS OR LARGE INDEPENDENT EXPENDITURES; TO PROVIDE A JUDICIAL VOTER GUIDE TO BE FINANCED BY THE FUND; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED BY THE STATE BOARD OF ELECTIONS ASSISTED BY AN ADVISORY COUNCIL; AND TO PROVIDE THAT THE FUND SHALL BE FINANCED BY METHODS INCLUDING A POSITIVE \$3 CHECK-OFF

October 1, 2002

ON THE NORTH CAROLINA INCOME TAX AND A \$50 CONTRIBUTION BY ATTORNEYS WHEN THEY PAY THEIR PRIVILEGE LICENSE TAX, for concurrence in the House Committee Substitute bill No. 3.

Upon motion of Senator Gulley, the Senate concurs in the House Committee Substitute bill No. 3 (34-12) and the measure is ordered enrolled and sent to the Governor.

H.B. 623 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, conference report for adoption, upon third reading.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report on 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, 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, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—47.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

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. 1679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OSSIPEE.

Referred to **Finance Committee**.

Special messages are received from the House of Representatives transmitting bills for concurrence, presented to the Senate, read the first time and disposed of, as follows:

S.B. 1219 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE GASTONIA POLICEMEN'S SUPPLEMENTARY PENSION FUND, 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 on today's Calendar for concurrence.

S.B. 163 (House Committee Substitute No. 2), 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, for concurrence in the House Committee Substitute bill No. 2.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration for concurrence.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-47).

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

October 1, 2002

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 163 (House Committee Substitute No. 2), 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.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for **S.B. 163** earlier today and the motion by Senator Rand to appoint conferees having prevailed, Senator Basnight President *Pro Tempore*, announces the appointment of Senator Rand, Chair, Senator Carrington and Senator Metcalf 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. 1219 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE GASTONIA POLICEMEN'S SUPPLEMENTARY PENSION FUND, for concurrence in the House Committee Substitute bill, placed earlier on today's Calendar.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled.

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

The Senate recesses at 3:40 P.M. for the purpose of a **Finance Committee** meeting, an **Agriculture/Environment/Natural Resources Committee** meeting, and a **Rules and Operations of the Senate Committee** meeting, to reconvene at 4:15 P.M.

RECESS

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

The Chair grants leaves of absence for the remainder of today's session to Senator Albertson, Senator Ballantine, Senator Garwood, Senator Robinson and Senator Shaw of Guilford.

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**:

S.B. 1217, 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 bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill 4783, which changes the title to read **S.B. 1217** (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; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, is adopted and engrossed.

With unanimous consent, upon motion of Senator Clodfelter, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

H.B. 1516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION, 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 7407, which changes the title to read **H.B. 1516** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION, AND TO REQUIRE THE BOARD OF TRANSPORTATION TO REDESIGNATE NC 136 IN IREDELL AND CABARRUS COUNTIES AS NC 3 TO HONOR DALE EARNHARDT, is adopted and engrossed.

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

By Senator Rand for the **Rules and Operations of the Senate Committee:**

S.B. 1137, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL LAWS OF THE 17TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1747, which changes the title to read **S.B. 1137** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COUNTY UTILITIES AUTHORITY TO OPERATE WATER AND SEWER SYSTEMS IN CERTAIN COUNTIES, is adopted and engrossed.

S.B. 1283, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7808, which changes the title to read **S.B. 1283** (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 THE APPOINTMENTS TO BOARDS AND COMMISSIONS, is adopted and engrossed.

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

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

H.B. 1537 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS

AND TO AMEND THE REPORTING REQUIREMENT FOR THE PILOT PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION; (2) PROVIDE THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION MAY HOLD CONCURRENT OFFICES CONSISTENT WITH THE PROVISIONS OF THE CONSTITUTION OF NORTH CAROLINA; (3) AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO APPROVE GRANTS FOR SMALL WATERSHED PROJECTS RELATED TO DAM REHABILITATION AND IMPROVEMENT; (4) PROVIDE THAT MEMBERS OF THE ENVIRONMENTAL REVIEW COMMISSION WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION; (5) PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS IN NORTH CAROLINA MAY RECEIVE FUNDS FROM THE CLEAN WATER REVOLVING LOAN AND GRANT FUND; (6) AUTHORIZE THE STATE INFRASTRUCTURE COUNCIL TO MEET IN THE LEGISLATIVE BUILDING AND LEGISLATIVE OFFICE BUILDING IN CERTAIN CIRCUMSTANCES; AND (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER FUNDS FROM THE GENERAL WATER SUPPLY REVOLVING LOAN AND GRANT ACCOUNT TO THE EMERGENCY WATER SUPPLY REVOLVING LOAN ACCOUNT IN ORDER TO ASSIST WATER SUPPLY SYSTEMS EXPERIENCING A DROUGHT EMERGENCY, with a favorable report.

With unanimous consent, upon motion of Senator Albertson, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 1211 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM, TO AUTHORIZE THE TRANSFER OF THIS PROPERTY TO DAVIDSON COUNTY FOR MANAGEMENT AS A PARK, AND TO ALLOW CERTAIN PUBLIC ENTITIES TO USE THE FIRE TOWER AT MOUNT JEFFERSON STATE NATURAL AREA FOR PUBLIC COMMUNICATIONS PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to concurrence.

With unanimous consent, upon motion of Senator Hoyle, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar for concurrence, upon second reading.

H.B. 1007, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ENVIRONMENTAL STATUTES OF THE STATE 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 7408, which changes the title to read **H.B. 1007** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

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

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

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H.B. 1668, AN ACT TO MODIFY THE SOUTHPORT OCCUPANCY TAX AND TO CLARIFY THAT THE REGULATION OF MOTOR VEHICLES ON BALD HEAD ISLAND INCLUDES THE ABILITY TO CHARGE FEES FOR THEIR USE ON THE ISLAND.

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**:

H.B. 1640 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY; AND TO ALTER THE COMPOSITION OF THE DARE COUNTY TOURISM BOARD, with a favorable report.

H.B. 1679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OSSIPPEE, with a favorable report.

CALENDAR *(continued)*

H.B. 348 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE COMPLIANCE WITH THE TOBACCO ESCROW STATUTE, placed earlier on today's calendar.

Without objection, Senator Clodfelter requests to be excused from voting on the bill due to a conflict of interest.

The Senate Committee Substitute bill No. 2 passes its second (39-0) 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
October 1, 2002

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 2 for **S.B. 163**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH

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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 requests conferees, the Speaker appoints:

Representative Hurley, Chair;
 Representative Yongue
 Representative Warner
 Representative Lucas
 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

CALENDAR (*continued*)

S.B. 1283 (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 THE APPOINTMENTS TO BOARDS AND COMMISSIONS, placed earlier on today's Calendar.

Upon motion of Senator Rand, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 1211 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM, TO AUTHORIZE THE TRANSFER OF THIS PROPERTY TO DAVIDSON COUNTY FOR MANAGEMENT AS A PARK, AND TO ALLOW CERTAIN PUBLIC ENTITIES TO USE THE FIRE TOWER AT MOUNT JEFFERSON STATE NATURAL AREA FOR PUBLIC COMMUNICATIONS PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, placed earlier on today's calendar for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Horton, the Senate concurs in the House Committee Substitute bill on its second reading by a three-fifths majority vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—41.

Voting in the negative: None.

Upon motion of Senator Horton, the Senate concurs in the House Committee Substitute bill on its third reading by a three-fifths majority vote, ayes 41, noes 0, as follows:

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

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Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—41.

Voting in the negative: None.

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

S.B. 1217 (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; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, placed earlier on today's Calendar.

Senator Clodfelter offers Amendment No. 1 which is adopted (39-0).

Senator Wellons offers Amendment No. 2 which is adopted (40-0).

Senator Dalton offers Amendment No. 3 which is adopted (40-0).

Senator Gulley offers Amendment No. 4 which is adopted (40-0).

Senator Gulley offers Amendment No. 5 which is adopted (41-0).

The Committee Substitute bill, as amended, passes its second (41-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

H.B. 1007 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, placed earlier on today's Calendar.

Upon motion of Senator Wellons, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1516 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION, AND TO REQUIRE THE BOARD OF TRANSPORTATION TO REDESIGNATE NC 136 IN IREDELL AND CABARRUS COUNTIES AS NC 3 TO HONOR DALE EARNHARDT, placed earlier on today's Calendar.

Upon motion of Senator Gulley, the President, orders without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1007 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, temporarily displaced earlier.

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.

The Honorable Beverly E. Perdue, Lieutenant Governor, relinquishes the gavel to The Honorable Marc Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

H.B. 1516 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF

TRANSPORTATION, AND TO REQUIRE THE BOARD OF TRANSPORTATION TO REDESIGNATE NC 136 IN IREDELL AND CABARRUS COUNTIES AS NC 3 TO HONOR DALE EARNHARDT, temporarily displaced earlier.

Senator Shaw of Cumberland offers Amendment No. 1 which he subsequently withdraws.

The Senate Committee Substitute bill passes its second reading (41-0).

Senator Gulley objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore*, orders the measure placed on the Calendar for tomorrow, Wednesday, October 2.

H.B. 1537 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS AND TO AMEND THE REPORTING REQUIREMENT FOR THE PILOT PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION; (2) PROVIDE THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION MAY HOLD CONCURRENT OFFICES CONSISTENT WITH THE PROVISIONS OF THE CONSTITUTION OF NORTH CAROLINA; (3) AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO APPROVE GRANTS FOR SMALL WATERSHED PROJECTS RELATED TO DAM REHABILITATION AND IMPROVEMENT; (4) PROVIDE THAT MEMBERS OF THE ENVIRONMENTAL REVIEW COMMISSION WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION; (5) PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS IN NORTH CAROLINA MAY RECEIVE FUNDS FROM THE CLEAN WATER REVOLVING LOAN AND GRANT FUND; (6) AUTHORIZE THE STATE INFRASTRUCTURE COUNCIL TO MEET IN THE LEGISLATIVE BUILDING AND LEGISLATIVE OFFICE BUILDING IN CERTAIN CIRCUMSTANCES; AND (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER FUNDS FROM THE GENERAL WATER SUPPLY REVOLVING LOAN AND GRANT ACCOUNT TO THE EMERGENCY WATER SUPPLY REVOLVING LOAN ACCOUNT IN ORDER TO ASSIST WATER SUPPLY SYSTEMS EXPERIENCING A DROUGHT EMERGENCY, placed earlier on today's Calendar.

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

INTRODUCTION OF A RESOLUTION

A joint resolution is filed for introduction, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1478, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY.

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

The joint resolution passes its second (41-0) and third readings and is ordered sent to the House of Representatives by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for

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concurrence, presented to the Senate, read the first time and disposed of, as follows:

S.B. 1443 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO EMPLOYEE BENEFITS FOR SCHOOL EMPLOYEES, COMMUNITY COLLEGE EMPLOYEES, AND STATE EMPLOYEES IN JOB-SHARING AND PART-TIME POSITIONS, for concurrence in the House Committee Substitute bill No. 2.

With unanimous consent, upon motion of Senator Lee, the rules are suspended and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

Upon motion of Senator Lee, the Senate concurs in the House Committee Substitute bill No. 2 (36-0) and the measure is ordered enrolled and sent to the Governor.

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

CALENDAR (continued)

S.B. 1283 (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 THE APPOINTMENTS TO BOARDS AND COMMISSIONS, placed earlier on today's Calendar.

Senator Rand offers Amendment No. 1 which is adopted (36-0).

Senator Wellons offers Amendment No. 2 which is adopted (36-0).

Senator Bingham offers Amendment No. 3 which is adopted (35-0).

The Committee Substitute bill, as amended, passes its second (36-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

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. 1641 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE PROVISIONS OF THE REVISED INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS AND TO PROVIDE FOR NORTH CAROLINA TO PARTICIPATE IN THE INTERNATIONAL PRISONER TRANSFER PROGRAM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF JUSTICE.

Referred to **Judiciary I Committee**.

S.B. 347 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT, for concurrence in the House Committee Substitute bill No. 2.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill No. 2 (36-0) and the measure is ordered enrolled and sent to the Governor.

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Upon motion of Senator Ballance, seconded by Senator Berger, the Senate adjourns at 7:19 P.M. subject to the receipt of messages from the House of Representatives, conference reports, committee reports, and ratification of bills, to meet tomorrow, Wednesday, October 2, at 2:00 P.M.

TWO HUNDRED FORTIETH DAY

Senate Chamber
Wednesday, October 2, 2002

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, we cannot negotiate with those who say, 'What's mine is mine and what's yours is negotiable.' Though we're weary from the whole process, keep us from compromise and things half done. Through strong wills help us win the battles we face. Even if we're victorious, keep us unsatisfied until we have done a greater good. Amen."

The Chair grants leaves of absence for today to Senator Clark, Senator Garwood, Senator Martin of Pitt, and Senator Shaw of Guilford.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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.

ENROLLED BILLS

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

S.B. 347, AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

S.B. 1054, AN ACT TO ESTABLISH A NONPARTISAN METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES BEGINNING IN 2004; TO SET \$1,000 CONTRIBUTION LIMITS (\$2,000 FROM FAMILY MEMBERS) FOR JUDICIAL CAMPAIGNS BEGINNING IN 2004; TO ESTABLISH A PUBLIC CAMPAIGN FINANCING FUND THAT PROVIDES APPELLATE JUDICIAL CANDIDATES WHO AGREE TO CONTRIBUTION AND EXPENDITURE RESTRICTIONS WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS BEGINNING IN 2004; TO SAFEGUARD CANDIDATES WHO OPT TO USE THAT SYSTEM BY PROHIBITING CERTAIN CONTRIBUTIONS TO THEIR OPPONENTS DURING THE TWENTY-ONE DAYS BEFORE AN ELECTION AND BY PROVIDING RESCUE MONEY WHEN THEY FACE LARGE EXPENDITURES BY OPPONENTS OR LARGE INDEPENDENT EXPENDITURES; TO PROVIDE A JUDICIAL VOTER GUIDE TO BE FINANCED BY THE FUND; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED BY THE STATE BOARD OF ELECTIONS ASSISTED BY AN ADVISORY COUNCIL; AND TO PROVIDE THAT THE FUND

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SHALL BE FINANCED BY METHODS INCLUDING A POSITIVE \$3 CHECK-OFF ON THE NORTH CAROLINA INCOME TAX AND A \$50 CONTRIBUTION BY ATTORNEYS WHEN THEY PAY THEIR PRIVILEGE LICENSE TAX.

S.B. 1211, AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM, TO AUTHORIZE THE TRANSFER OF THIS PROPERTY TO DAVIDSON COUNTY FOR MANAGEMENT AS A PARK, AND TO ALLOW CERTAIN PUBLIC ENTITIES TO USE THE FIRE TOWER AT MOUNT JEFFERSON STATE NATURAL AREA FOR PUBLIC COMMUNICATIONS PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 1443, AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO EMPLOYEE BENEFITS FOR SCHOOL EMPLOYEES, COMMUNITY COLLEGE EMPLOYEES, AND STATE EMPLOYEES IN JOB-SHARING AND PART-TIME POSITIONS.

H.B. 1518, AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, TO MODIFY THE CURRENT AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO AWARD DESIGN-BUILD CONTRACTS, AND CONCERNING CONTRACT REQUIREMENTS FOR IRON USED IN DOT PROJECTS.

H.B. 1537, AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS AND TO AMEND THE REPORTING REQUIREMENT FOR THE PILOT PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION; (2) PROVIDE THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION MAY HOLD CONCURRENT OFFICES CONSISTENT WITH THE PROVISIONS OF THE CONSTITUTION OF NORTH CAROLINA; (3) AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO APPROVE GRANTS FOR SMALL WATERSHED PROJECTS RELATED TO DAM REHABILITATION AND IMPROVEMENT; (4) PROVIDE THAT MEMBERS OF THE ENVIRONMENTAL REVIEW COMMISSION WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION; (5) PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS IN NORTH CAROLINA MAY RECEIVE FUNDS FROM THE CLEAN WATER REVOLVING LOAN AND GRANT FUND; (6) AUTHORIZE THE STATE INFRASTRUCTURE COUNCIL TO MEET IN THE LEGISLATIVE BUILDING AND LEGISLATIVE OFFICE BUILDING IN CERTAIN CIRCUMSTANCES; AND (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER FUNDS FROM THE GENERAL WATER SUPPLY REVOLVING LOAN AND GRANT ACCOUNT TO THE EMERGENCY WATER SUPPLY REVOLVING LOAN ACCOUNT IN ORDER TO ASSIST WATER SUPPLY SYSTEMS EXPERIENCING A DROUGHT EMERGENCY.

H.B. 1402, AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING.

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H.B. 1638, AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE ALE DIVISION WHEN INVESTIGATING ABC PERMIT APPLICANTS, LOCAL LAW-ENFORCEMENT AGENCIES ISSUING PRECIOUS METAL DEALER PERMITS, THE PRIVATE PROTECTIVE SERVICES BOARD, THE ALARM SYSTEMS LICENSING BOARD, THE BOARD OF LAW EXAMINERS, THE MEDICAL BOARD, THE STATE BOARD OF DENTAL EXAMINERS, THE BOARD OF PHARMACY, THE BOARD OF MORTUARY SCIENCE, THE REAL ESTATE COMMISSION, THE COMMISSIONER OF LABOR WHEN INVESTIGATING PRIVATE PERSONNEL SERVICE LICENSE APPLICANTS, THE STRUCTURAL PEST CONTROL COMMITTEE, AND CITIES WHEN INVESTIGATING TAXI LICENSE APPLICANTS AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, AND TO CONFORM SEX OFFENDER LAWS TO FEDERAL REQUIREMENTS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1219, AN ACT TO MAKE CHANGES TO THE GASTONIA POLICEMEN'S SUPPLEMENTARY PENSION FUND.

S.B. 1326, AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON TO IMPOSE TERM LIMITS ON THE MEMBERS OF THE CITY'S UTILITIES COMMISSION.

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

H.B. 348, AN ACT TO IMPROVE COMPLIANCE WITH THE TOBACCO ESCROW STATUTE.

H.B. 760, AN ACT TO CLARIFY THE MOTOR VEHICLE REINSURANCE FACILITY AND BEACH AND FAIR PLAN LAWS; AMEND LAWS REGARDING DEPARTMENT OF INSURANCE OVERSIGHT OF INSURANCE COMPANY SOLVENCY; AMEND THE MANAGED CARE EXTERNAL REVIEW LAW TO PROVIDE FOR CLARITY IN MAILING NOTICES, THE SAME IMMUNITY TO MEDICAL PROFESSIONALS ADVISING THE COMMISSIONER AS PROVIDED TO EXTERNAL REVIEWERS, AND CONFIDENTIALITY OF CREDENTIALING INFORMATION IN THE POSSESSION OF THE COMMISSIONER; EXTEND THE RATE HEARING TIMETABLES FOR HOMEOWNERS' AND WORKERS' COMPENSATION INSURANCE; CLARIFY THE NORTH CAROLINA HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; EXTEND THE TIME FOR PREMIUM FINANCE COMPANY PREMIUM REFUNDS FOR AUDITED POLICIES; AMEND THE TITLE INSURANCE RESERVE LAWS TO ENHANCE INSOLVENCY PROTECTION; AND REDUCE THE NONFORFEITURE INTEREST RATE FOR INDIVIDUAL ANNUITIES.

H.B. 1105, AN ACT TO FUND THE OPERATIONS OF THE DEPARTMENT OF INSURANCE FOR THE FISCAL YEAR 2002-2003 THROUGH THE INSURANCE REGULATORY FUND BY EXPANDING THE PURPOSES FOR WHICH THE FUND MAY BE USED AND BY CREDITING VARIOUS FEES COLLECTED BY THE DEPARTMENT AND OTHER AGENCIES UNDER THE DEPARTMENT INTO THE

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FUND FOR FISCAL YEAR 2002-2003, AND TO RESTORE THE 2002-2003 BUDGET REDUCTIONS SUSTAINED BY THE DEPARTMENT OF INSURANCE.

H.B. 1313, AN ACT TO ESTABLISH THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING AND TO MAKE CONFORMING CHANGES TO CHAPTER 8B AND CHAPTER 143B.

H.B. 1726, 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.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1623, AN ACT TO CLASSIFY BRUNSWICK COUNTY AS A HIGH HAZARD COUNTY WITH RESPECT TO THE REGULATION OF OPEN FIRES.

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. 1268, AN ACT TO ALLOW THE CITY OF MONROE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, TO ALLOW THE TOWN OF NORWOOD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE IT, AND TO ANNEX NONCONTIGUOUS TERRITORY TO THE TOWN OF MOUNT GILEAD. (Became law upon ratification, October 1, 2002–S.L.-2002-127.)

H.B. 1502, AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE SANDERS FOREST AND BENT TREE PLANTATION COMMUNITIES IN BRUNSWICK COUNTY. (Became law upon ratification, October 1, 2002–S.L.-2002-128.)

H.B. 1668, AN ACT TO MODIFY THE SOUTHPORT OCCUPANCY TAX AND TO CLARIFY THAT THE REGULATION OF MOTOR VEHICLES ON BALD HEAD ISLAND INCLUDES THE ABILITY TO CHARGE FEES FOR THEIR USE ON THE ISLAND. (Became law upon ratification, October 1, 2002–S.L.-2002-129.)

The Senate recesses at 2:08 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 E. Perdue, Lieutenant Governor.

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

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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 Clodfelter for the **Judiciary I Committee**:

H.B. 1641 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE PROVISIONS OF THE REVISED INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS AND TO PROVIDE FOR NORTH CAROLINA TO PARTICIPATE IN THE INTERNATIONAL PRISONER TRANSFER PROGRAM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF JUSTICE, with a favorable report.

With unanimous consent, upon motion of Senator Clodfelter, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

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

H.B. 1215, A BILL TO BE ENTITLED AN ACT TO EXTEND BY FIVE YEARS THE SUNSET REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS, 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 7410, which changes the title to read **H.B. 1215** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT UNITS OF LOCAL GOVERNMENT TO EVALUATE THEIR EFFORTS TO CONSERVE WATER, TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES GOVERNING WATER CONSERVATION AND WATER REUSE, TO ESTABLISH A GOAL TO REDUCE WATER CONSUMPTION BY STATE AGENCIES BY AT LEAST TEN PERCENT, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE WATER CONSERVATION AND WATER EFFICIENCY PROGRAMS IN THE STATE, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY METHODS TO FUND AND PROMOTE THE DEVELOPMENT OF GREEN POWER IN NORTH CAROLINA, is adopted and engrossed.

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

By Senator Robinson for the **State and Local Government Committee**:

H.B. 1611 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY AND TO REQUIRE PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY, 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 8393, which changes the title to read **H.B. 1611** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY, TO REQUIRE PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY,

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AND TO PROHIBIT HUNTING FROM PUBLIC ROADS IN HARNETT COUNTY, is adopted and engrossed.

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

H.B. 1651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN PITT COUNTY, with a favorable report, as amended.

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

With unanimous consent, upon motion of Senator Robinson, the rules are suspended and the Committee Substitute bill, as amended, is placed on today's Calendar.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A special message received from the House of Representatives transmitting bills for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 832 (House 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, 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 on today's Calendar, upon concurrence.

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. 1568 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

The following special messages are received from the House of Representatives:

House of Representatives
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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 623 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS.

Pursuant to your message that you have adopted the report of the Conferees, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

October 2, 2002

House of Representatives
October 2, 2002

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 1508 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM A TERRORIST INCIDENT USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS.

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

CALENDAR (*continued*)

H.B. 1640 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY; AND TO ALTER THE COMPOSITION OF THE DARE COUNTY TOURISM BOARD, upon second reading.

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

Senator Gulley offers Amendment No. 1 which is adopted (44-0).

The Committee Substitute bill No. 3, as amended, 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, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

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The Committee Substitute bill No. 3, as amended, remains on the Calendar for tomorrow, Thursday, October 3, upon third reading.

H.B. 1679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OSSIPEE, 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, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, October 3, upon third reading.

H.B. 1707 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TOURISM DEVELOPMENT FOR THE NEW HANOVER COUNTY BEACH TOWNS, TO PROVIDE FOR THE ESTABLISHMENT OF A TOURISM DEVELOPMENT AUTHORITY, TO CONFORM ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY LAW TO GENERAL LAW, AND TO PROHIBIT A CONVENTION CENTER IN NEW HANOVER COUNTY FROM ENTERING INTO A CONTRACT WITH A HOTEL REQUIRING THE HOTEL TO PAY FEES OR COMMISSIONS TO THE CONVENTION CENTER BASED ON ACCOMMODATIONS PROVIDED TO INDIVIDUALS ATTENDING CONVENTION CENTER FUNCTIONS, 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, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, October 3, upon third reading.

H.B. 1720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

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The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, October 3, upon third reading.

H.B. 1734 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR STATE CONSTRUCTION PROJECTS; AND TO MAKE TECHNICAL AND CONFORMING CHANGES, upon second reading.

Senator Kerr offers a motion that the Senate Committee Substitute bill be withdrawn from today's Calendar and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from today's Calendar and re-refers the measure to the **Finance Committee**.

S.B. 1137 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COUNTY UTILITIES AUTHORITY TO OPERATE WATER AND SEWER SYSTEMS IN CERTAIN COUNTIES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Gulley, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Weinstein and Wellons—39.

Voting in the negative: Senators Allran, Ballantine, Berger, Foxx and Webster—5.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, October 3, upon third reading.

H.B. 1516 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION, AND TO REQUIRE THE BOARD OF TRANSPORTATION TO REDESIGNATE NC 136 IN IREDELL AND CABARRUS COUNTIES AS NC 3 TO HONOR DALE EARNHARDT.

Upon motion of Senator Reeves, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

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

H.B. 1508 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM A TERRORIST INCIDENT USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT

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TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS, for adoption.

Upon motion of Senator Purcell, the Senate adopts the Conference Report (44-0).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

Senator Miller for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 866** (House Committee Substitute # 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, 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 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, House Committee Substitute #2 Favorable 8/21/01, submit the following report:

The House and Senate agree to the following amendments to the House Committee Substitute #2 Favorable 8/21/01, and the Senate concurs in the House Committee Substitute #2 as amended:

On page 1, lines 3 through 6, by rewriting those lines to read:

" PROTECTION ACT.";

And on page 2, lines 4 and 5, by inserting between those lines the following:

"(4a) 'Information technology' has the same meaning as in G.S. 147-33.81. The term also specifically includes information transaction machines.";

And on page 5, line 25, by adding after the period the following:

"This subsection includes equivalent services provided via information technology.";

And on page 5, lines 40 through 42 and page 6, lines 1 through 3, by deleting those lines in their entirety;

And on page 6, lines 4 and 5, by rewriting those lines to read:

SECTION 5. This act becomes effective January 1, 2003. The provisions of G.S. 168A-7 added by this act apply to information technology placed into service on or after January 1, 2004."

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

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Date Conferees approved report: October 2, 2002.

S/Brad Miller	Wayne Goodwin
S/William N. Martin	S/Verla Insko
S/Eric Miller Reeves	S/H.M. Michaux, Jr.
S/James S. Forrester	S/Carolyn B. Russell
S/Ellie Kinnaird	

Conferees for the Senate

*Conferees for the
House of Representative*

Upon motion of Senator Miller, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

CALENDAR *(continued)*

H.B. 1641 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE PROVISIONS OF THE REVISED INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS AND TO PROVIDE FOR NORTH CAROLINA TO PARTICIPATE IN THE INTERNATIONAL PRISONER TRANSFER PROGRAM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF JUSTICE, 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.

H.B. 1651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN PITT COUNTY, as amended by the **State and Local Government Committee**, placed earlier on today's Calendar.

The Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered sent to the House by special message for concurrence in Senate Amendment No. 1.

H.B. 1611 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY, TO REQUIRE PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY, AND TO PROHIBIT HUNTING FROM PUBLIC ROADS IN HARNETT COUNTY, placed earlier on today's Calendar.

The Senate Committee Substitute bill 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. 1516 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION, AND TO REQUIRE THE BOARD OF TRANSPORTATION TO REDESIGNATE NC 136 IN IREDELL AND CABARRUS COUNTIES AS NC 3 TO HONOR DALE EARNHARDT, temporarily displaced earlier.

The Senate Committee Substitute bill passes its third reading (44-0) and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute.

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The Senate recesses at 3:11 P.M. for the purpose of a **Finance Committee** meeting to reconvene at 4:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by Honorable Beverly E. 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 Kerr for the **Finance Committee**:

H.B. 1734 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR STATE CONSTRUCTION PROJECTS; AND TO MAKE TECHNICAL AND 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, 4342, which changes the title to read **H.B. 1734** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO PROVIDE FOR CAPITAL PLANNING COSTS FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES, is adopted and engrossed.

Upon motion of Senator Kerr, the Senate Committee Substitute bill No. 2 is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

H.B. 1215 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT UNITS OF LOCAL GOVERNMENT TO EVALUATE THEIR EFFORTS TO CONSERVE WATER, TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES GOVERNING WATER CONSERVATION AND WATER REUSE, TO ESTABLISH A GOAL TO REDUCE WATER CONSUMPTION BY STATE AGENCIES BY AT LEAST TEN PERCENT, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE WATER CONSERVATION AND WATER EFFICIENCY PROGRAMS IN THE STATE, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY METHODS TO FUND AND PROMOTE THE DEVELOPMENT OF GREEN POWER IN NORTH CAROLINA, placed earlier on today's Calendar.

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Upon motion of Senator Albertson, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

S.B. 832 (House 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, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

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

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (38-1) and the measure is ordered enrolled and sent to the Governor.

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

S.B. 866 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT, placed earlier on today's Calendar, for adoption.

Upon motion of Senator Miller, the Senate adopts the Conference Report (38-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 4:32 P.M. for the purpose of an **Appropriations/Base Budget Committee** meeting, an **Insurance and Consumer Protection Committee** meeting, a **Judiciary II Committee** meeting, and a **Transportation Committee** meeting, to reconvene at 5:00 P.M.

RECESS

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

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

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. 1734 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO PROVIDE FOR CAPITAL PLANNING COSTS FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES, with a favorable report.

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With unanimous consent, upon motion of Senator Plyler, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today's Calendar, upon second reading.

By Senator Shaw of Cumberland for the **Transportation Committee**:

H.B. 314 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A VEHICLE APPROACHES ANOTHER VEHICLE IN THE OPPOSITE DIRECTION, AT NIGHT, ONLY LOW-BEAM HEADLAMPS AND NO MORE THAN TWO OTHER FACTORY-INSTALLED AUXILIARY LAMPS MAY BE ILLUMINATED, 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 4343, which changes the title to read **H.B. 314** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE DMV MOTOR VEHICLES ENFORCEMENT SECTION FROM THE DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, is adopted and engrossed.

With unanimous consent, upon motion of Senator Shaw of Cumberland, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar, upon second reading.

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

H.B. 1120, A BILL TO BE ENTITLED AN ACT TO REQUIRE INEXPERIENCED DRIVERS TO MAINTAIN FINANCIAL RESPONSIBILITY CONTINUOUSLY AND INSURANCE COMPANIES TO TRANSMIT INFORMATION REGARDING FINANCIAL RESPONSIBILITY OF DRIVERS TO THE DIVISION OF MOTOR VEHICLES IN AN ELECTRONIC FORM, 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 7412, which changes the title to read **H.B. 1120** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BEACH PLAN TO ISSUE A HOMEOWNERS' INSURANCE POLICY; REQUIRE A STUDY OF THE BEACH AND FAIR PLANS; PROVIDE FOR IMMEDIATE TEMPORARY BINDING AUTHORITY OF AGENTS ACCEPTING APPLICATIONS TO THE BEACH PLAN; REQUIRE THE BEACH AND FAIR PLANS TO MAINTAIN UNEARNED PREMIUM RESERVES AND RESERVES FOR LOSSES; MAKE TECHNICAL CORRECTIONS TO THE APPOINTMENT PROVISIONS FOR THE MOTOR VEHICLE REINSURANCE FACILITY BOARD OF GOVERNORS; CLARIFY THAT THE BEACH AND FAIR PLANS ARE SUBJECT TO THE OPEN MEETINGS ACT; AND AMEND THE INSURANCE LAW PERTAINING TO SPECIAL DEPOSITS TO PERMIT HARDSHIP PAYMENTS UNDER WORKERS' COMPENSATION POLICIES, is adopted and engrossed.

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

CALENDAR *(continued)*

H.B. 1734 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE

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FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR STATE CONSTRUCTION PROJECTS; AND TO MAKE TECHNICAL AND CONFORMING CHANGES, placed earlier on today's Calendar, upon second reading.

Senator Foxx offers Amendment No. 1.

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

The motion to table Amendment No. 1 prevails (27-14).

Senator Weinstein announces a pair vote. If Senator Webster were present, he would vote "no"; Senator Weinstein votes "aye".

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Hagan, Harris, Hartsell, Hoyle, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas and Wellons—38.

Voting in the negative: Senators Foxx, Horton and Kinnaird—3.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, October 3, upon third reading.

H.B. 1120 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BEACH PLAN TO ISSUE A HOMEOWNERS' INSURANCE POLICY; REQUIRE A STUDY OF THE BEACH AND FAIR PLANS; PROVIDE FOR IMMEDIATE TEMPORARY BINDING AUTHORITY OF AGENTS ACCEPTING APPLICATIONS TO THE BEACH PLAN; REQUIRE THE BEACH AND FAIR PLANS TO MAINTAIN UNEARNED PREMIUM RESERVES AND RESERVES FOR LOSSES; MAKE TECHNICAL CORRECTIONS TO THE APPOINTMENT PROVISIONS FOR THE MOTOR VEHICLE REINSURANCE FACILITY BOARD OF GOVERNORS; CLARIFY THAT THE BEACH AND FAIR PLANS ARE SUBJECT TO THE OPEN MEETINGS ACT; AND AMEND THE INSURANCE LAW PERTAINING TO SPECIAL DEPOSITS TO PERMIT HARDSHIP PAYMENTS UNDER WORKERS' COMPENSATION POLICIES, placed earlier on today's Calendar.

Senator Wellons offers Amendment No. 1 which is adopted (42-0).

The Chair grants leaves of absence for the remainder of today's session to Senator Carrington and Senator Horton.

The Senate Committee Substitute bill, as amended, passes its second (40-0) 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.

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

WITHDRAWAL FROM COMMITTEE

H.B. 1568 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, referred to the **Agriculture/Environment/Natural Resources Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Agriculture/Environment/Natural**

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Resources Committee and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-refers the measure to the **Finance Committee**.

The Senate recesses at 6:38 P.M. to reconvene at 7:15 P.M.

RECESS

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

The Chair grants leaves of absence for the remainder of today's session to Senator Allran, Senator Ballantine, Senator Carpenter, Senator Forrester, Senator Lee, Senator Moore and Senator Shaw of Cumberland.

CALENDAR *(continued)*

H.B. 314 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE DMV MOTOR VEHICLES ENFORCEMENT SECTION FROM THE DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (31-0) 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. 1215 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT UNITS OF LOCAL GOVERNMENT TO EVALUATE THEIR EFFORTS TO CONSERVE WATER, TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES GOVERNING WATER CONSERVATION AND WATER REUSE, TO ESTABLISH A GOAL TO REDUCE WATER CONSUMPTION BY STATE AGENCIES BY AT LEAST TEN PERCENT, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE WATER CONSERVATION AND WATER EFFICIENCY PROGRAMS IN THE STATE, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY METHODS TO FUND AND PROMOTE THE DEVELOPMENT OF GREEN POWER IN NORTH CAROLINA, temporarily displaced earlier.

Senator Albertson offers Amendment No. 1 which is adopted (32-0).

The Senate Committee Substitute bill, as amended, 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.

Upon motion of Senator Basnight, seconded by Senator Harris, the Senate adjourns at 8:12 P.M. subject to receipt of messages from the House of Representatives, conference reports, committee reports and ratification of bills, to meet tomorrow, Thursday, October 3, at 9:00 A.M.

TWO HUNDRED FORTY-FIRST DAY

Senate Chamber
Thursday, October 3, 2002

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, the last thing the Senators and staff want to hear from their chaplain today, after long hours of work yesterday, is a long prayer.

"Senator Garrou reminded me that as the last book of the Bible, Revelations, ends John is exiled and stranded on the Isle of Patmos. He prayed earnestly for rescue and deliverance.

"The short answer he received from you, O God, was, 'Yes, I am coming to help you soon.'

"Let that be a word of hope for all who may feel like John today. Come, dear Lord, Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Berger, Senator Clark, Senator Garwood, Senator Hoyle, Senator Martin of Pitt, Senator Odom, Senator Robinson, Senator Shaw of Guilford and Senator Warren.

Senator Rand announces that the Journal of yesterday, Wednesday, 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.

ENROLLED BILLS

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

S.B. 832, AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL AGENCIES.

H.B. 623, AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS.

H.B. 1100, AN ACT TO PROVIDE CONSUMERS AND FINANCIAL INSTITUTIONS GREATER PROTECTION FROM FRAUDULENT FINANCIAL TRANSACTIONS.

H.B. 1187, AN ACT TO CLARIFY THE COURT FEES FOR LEGAL SERVICES AND TO MAKE VARIOUS COURT FEES UNIFORM.

H.B. 1508, AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM A TERRORIST INCIDENT USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE

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COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS.

H.B. 1516, AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION, AND TO REQUIRE THE BOARD OF TRANSPORTATION TO REDESIGNATE NC 136 IN IREDELL AND CABARRUS COUNTIES AS NC 3 TO HONOR DALE EARNHARDT.

H.B. 1641, AN ACT TO ADOPT THE PROVISIONS OF THE REVISED INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS AND TO PROVIDE FOR NORTH CAROLINA TO PARTICIPATE IN THE INTERNATIONAL PRISONER TRANSFER PROGRAM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF JUSTICE.

CALENDAR

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

H.B. 1640 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY; AND TO ALTER THE COMPOSITION OF THE DARE COUNTY TOURISM BOARD, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Hagan, Harris, Hartsell, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Rucho, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—35.

Voting in the negative: None.

The Committee Substitute bill No. 3, as amended, is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

H.B. 1679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OSSIPPEE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Bingham,

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Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Hagan, Harris, Hartsell, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Rucho, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—35.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1707 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TOURISM DEVELOPMENT FOR THE NEW HANOVER COUNTY BEACH TOWNS, TO PROVIDE FOR THE ESTABLISHMENT OF A TOURISM DEVELOPMENT AUTHORITY, TO CONFORM ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY LAW TO GENERAL LAW, AND TO PROHIBIT A CONVENTION CENTER IN NEW HANOVER COUNTY FROM ENTERING INTO A CONTRACT WITH A HOTEL REQUIRING THE HOTEL TO PAY FEES OR COMMISSIONS TO THE CONVENTION CENTER BASED ON ACCOMMODATIONS PROVIDED TO INDIVIDUALS ATTENDING CONVENTION CENTER FUNCTIONS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Hagan, Harris, Hartsell, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Rucho, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—35.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Hagan, Harris, Hartsell, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Rucho, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—35.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 1137 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COUNTY UTILITIES AUTHORITY TO OPERATE WATER AND SEWER SYSTEMS IN CERTAIN COUNTIES, upon third reading.

Senator Plyler offers Amendment No. 1 which is adopted (36-0).

Having voted with the majority, Senator Plyler offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails (36-0).

The question before the body becomes the adoption of Amendment No. 1.

Upon motion of Senator Plyler, the President *Pro Tempore* orders, without objection, the Committee Substitute bill and Amendment No. 1 temporarily displaced.

H.B. 1734 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE

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PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO PROVIDE FOR CAPITAL PLANNING COSTS FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES, upon third reading.

Senator Foxx announces a pair vote. If Senator Hoyle were present, he would vote "aye"; Senator Foxx votes "no".

The Senate Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 32, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Garrou, Hagan, Harris, Hartsell, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Rucho, Soles, Swindell, Thomas, Weinstein and Wellons—32.

Voting in the negative: Senators Horton, Kinnaird and Webster—3.

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.

S.B. 1137 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COUNTY UTILITIES AUTHORITY TO OPERATE WATER AND SEWER SYSTEMS IN CERTAIN COUNTIES, temporarily displaced earlier, with Amendment No. 1 pending after reconsideration, upon third reading.

The question before the Body becomes the adoption of Amendment No. 1.

Amendment No. 1 is adopted (36-0).

Senator Plyler offers Amendment No. 2 which is adopted (35-0).

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 35, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Garrou, Hagan, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Rucho, Soles, Swindell, Thomas, Weinstein and Wellons—35.

Voting in the negative: Senators Foxx and Webster—2.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message.

The Senate recesses at 10:00 A.M. to reconvene at 1:00 P.M.

RECESS

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

The Chair grants leaves of absence for the remainder of today's session to Senator Carrington, Senator Carter, Senator Forrester and Senator Gulley.

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

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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. 1679, AN ACT TO INCORPORATE THE TOWN OF OSSIPÉE.

H.B. 1707, AN ACT TO PROVIDE TOURISM DEVELOPMENT FOR THE NEW HANOVER COUNTY BEACH TOWNS, TO PROVIDE FOR THE ESTABLISHMENT OF A TOURISM DEVELOPMENT AUTHORITY, TO CONFORM ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY LAW TO GENERAL LAW, AND TO PROHIBIT A CONVENTION CENTER IN NEW HANOVER COUNTY FROM ENTERING INTO A CONTRACT WITH A HOTEL REQUIRING THE HOTEL TO PAY FEES OR COMMISSIONS TO THE CONVENTION CENTER BASED ON ACCOMMODATIONS PROVIDED TO INDIVIDUALS ATTENDING CONVENTION CENTER FUNCTIONS.

H.B. 1720, AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO LEVY A ROOM 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:

S.B. 1219, AN ACT TO MAKE CHANGES TO THE GASTONIA POLICEMEN'S SUPPLEMENTARY PENSION FUND. (Became law upon ratification, October 2, 2002–S.L.-2002-130.)

S.B. 1326, AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON TO IMPOSE TERM LIMITS ON THE MEMBERS OF THE CITY'S UTILITIES COMMISSION. (Became law upon ratification, October 2, 2002–S.L.-2002-131.)

H.B. 1623, AN ACT TO CLASSIFY BRUNSWICK COUNTY AS A HIGH HAZARD COUNTY WITH RESPECT TO THE REGULATION OF OPEN FIRES. (Became law upon ratification, October 2, 2002–S.L.-2002-132.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
October 3, 2002

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 #2 for HB 1734, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL

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FACILITIES FINANCING; TO PROVIDE FOR CAPITAL PLANNING COSTS FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES, and conferees will be appointed.

Respectfully,
S/Denise Weeks
Principal Clerk

The Senate recesses at 1:25 P.M. to reconvene at 3:00 P.M.

RECESS

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

The Chair grants leaves of absence for the remainder of today's session to Senator Ballance, Senator Ballantine, Senator Hagan, Senator Rucho and Senator Webster.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
October 3, 2002

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has appointed conferees on Senate Committee Substitute # 2 for HB 1734, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO PROVIDE FOR CAPITAL PLANNING COSTS FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES.

The Speaker has appointed:

Representative Owens, Chair;
Representative Baddour,
Representative Allen,
Representative Hackney,
Representative Redwine,
Representative Buchanan,
Representative Easterling,

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Representative Morgan,
 Representative Culpepper,
 Representative Tolson, 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

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1734 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO PROVIDE FOR CAPITAL PLANNING COSTS FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES.

Pursuant to the message from the House of Representatives received earlier that the House fails to concur in the Senate Committee Substitute bill No. 2 for **H.B. 1734** and requests conferees, Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

Senator Rand announces the appointments by the President *Pro Tempore* of Senator Kerr and Senator Hoyle, Co-Chairs; Senator Ballantine; Senator Garrou; Senator Lee; Senator Odom; Senator Plyler; Senator Rand; Senator Rucho 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.

CONFERENCE REPORT

Senator Rand for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 163** (House Committee Substitute No. 2), 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, 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 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, House Committee Substitute #2 Favorable 9/26/02, submit the following report:

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The House and Senate agree to the following amendment to the House Committee Substitute #2 Favorable 9/26/02, Fourth Edition Engrossed 10/01/02, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute #2 Favorable 9/26/02, Fourth Edition Engrossed 10/01/02, and substitute the attached Proposed Conference Committee Substitute S163-PCCS7815-ST-1.

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

Date Conferees approved report: October 3, 2002.

S/Anthony E. Rand
S/John H. Carrington
S/Stephen M. Metcalf

S/John W. Hurley
S/Douglas Y. Yongue
S/Alex Warner
S/Marvin W. Lucas
S/Mary E. McAllister
S/Representative Mia Morris

Conferees for the Senate

*Conferees for the
House of Representatives*

The text of the attached Proposed Conference Committee Substitute S163-PCCS7815-ST-1 is as follows:

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS LICENSURE ISSUES AND THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

The General Assembly of North Carolina enacts:

SECTION 1.(a) 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 and State psychiatric hospitals and a description of the services provided.
- (6) Recommendations on other areas of the Program that need to be

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- improved.
- (7) Other information relevant to successful implementation of the Program.
- (8) A method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings."

SECTION 1.(b) 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 submit a report on April 1, 2003, on the method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division.

SECTION 2. G.S. 115C-140.1(a) reads as rewritten:

"(a) Notwithstanding the provisions of any other statute and without regard for the place of domicile of a parent or guardian, the cost of a free appropriate public education for a child with special needs who is placed in or assigned to a group home, foster home or other similar facility, pursuant to State and federal law, shall be borne by the local board of education in which the group home, foster home or other similar facility is located. However, the local school administrative unit in which a child is domiciled shall transfer to the local school administrative unit in which the institution is located an amount equal to the actual local cost in excess of State and federal funding required to educate that child in the local school administrative unit for the fiscal year. Nothing in this section obligates any local board of education to bear any cost for the care and maintenance of a child with special needs in a group home, foster home or other similar facility."

SECTION 3. The State Board of Education shall provide for a local school administrative unit to request funds from the Group Homes Program for Children with Disabilities if a child assigned to that unit was not in that unit's April headcount for exceptional children for the previous school year, even if the local school administrative unit received Group Homes Program funds for that child for a portion of the preceding school year.

SECTION 4.1. G.S. 122C-23 is amended by adding a new subsection (e1) to read:

"(e1) The Department shall not enroll any new provider for Medicaid Home or Community Based services or other Medicaid services, as defined in 42 C.F.R. 440.90, 42 C.F.R. 440.130(d), and 42 C.F.R. 440.180, or issue a license for a new facility or a new service to any applicant meeting any of the following criteria:

- (1) Was the owner, principal, or affiliate of a licensable facility under Chapter 122C or Chapter 131D that had its license revoked until 60 months after the date of the revocation.
- (2) Is the owner, principal, or affiliate of a licensable facility that was assessed a penalty for a Type A or Type B violation under Article 3 of this Chapter until 60 months after the date of the violation.
- (3) Is the owner, principal, or affiliate of a licensable facility that had its license summarily suspended or downgraded to provisional status as a result of violations under G.S. 122C-24.1(a) until 60 months after the date of reinstatement or restoration of the license.
- (4) Is the owner, principal, or affiliate of a licensable facility that had its license summarily suspended or downgraded to provisional

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status as a result of violations under Article 1A of Chapter 131D until 60 months after the date of reinstatement or restoration of the license."

SECTION 4.2. G.S. 122C-111 reads as rewritten:

"§ 122C-111. (Effective July 1, 2002) Administration.

The Secretary shall administer and enforce the provisions of this Chapter and the rules of the Commission and shall operate State facilities. An area director or program director shall administer the programs of the area authority or county program, as applicable, and enforce applicable State laws, rules of the Commission, and rules of the Secretary. The Secretary in cooperation with area and county program directors and State facility directors shall provide for the coordination of public services between area authorities, county programs, and State facilities. The area authority or county program shall monitor the provision of mental health, developmental disability, and substance abuse services for compliance with the law, which monitoring shall not supercede or duplicate the regulatory authority or functions of agencies of the Department."

SECTION 4.3. G.S. 122C-115.2(b)(2) is amended by adding a new subdivision i. to read:

"i. The resources available and needed within the catchment area to prevent out-of-community placements and shall include input from the community public agencies."

SECTION 4.4. G.S. 131D-10.3 is amended by adding a new subsection (h) to read:

"(h) The Department shall not enroll any new provider for Medicaid Home or Community Based services or other Medicaid services, as defined in 42 C.F.R. 440.90, 42 C.F.R. 440.130(d), and 42 C.F.R. 440.180, or issue a license for a new facility or a new service to any applicant meeting any of the following criteria:

- (1) Was the owner, principal, or affiliate of a licensable facility under Chapter 122C or Chapter 131D that had its license revoked until 60 months after the date of the revocation.
- (2) Is the owner, principal, or affiliate of a licensable facility that was assessed a penalty for a Type A or Type B violation under Article 3 of Chapter 122C until 60 months after the date of the violation.
- (3) Is the owner, principal, or affiliate of a licensable facility that had its license summarily suspended or downgraded to provisional status as a result of violations under G.S. 122C-24.1(a) until 60 months after the date of reinstatement or restoration of the license.
- (4) Is the owner, principal, or affiliate of a licensable facility that had its license summarily suspended or downgraded to provisional status as a result of violations under Article 1A of Chapter 131D until 60 months after the date of reinstatement or restoration of the license."

SECTION 4.5. G.S. 143B-139.1 reads as rewritten:

"§ 143B-139.1. Secretary of Health and Human Services to adopt rules applicable to local health and human services agencies.

The Secretary of the Department of Health and Human Services may adopt rules applicable to local health and human services agencies for the purpose of program evaluation, fiscal audits, and collection of third-party payments. The Secretary may adopt and enforce rules governing:

- (1) The placement of individuals in licensable facilities located outside the individual's community and ability of the providers to

return the individual to the individual's community as soon as possible without detriment to the individual or the community.

- (2) The monitoring of mental health, developmental disability, and substance abuse services.
- (3) The communication procedures between the area authority or county program, the local department of social services, the local education authority, and the criminal justice agency, if involved with the individual, regarding the placement of the individual outside the individual's community and the transfer of the individual's records in accordance with law.
- (4) The enrollment and revocation of enrollment of Medicaid providers who have been previously sanctioned by the Department and want to provide services under this Article."

SECTION 4.6. G.S. 150B-21.1 is amended by adding a new subsection

(a10) to read:

"(a10) Notwithstanding the provisions of subsection (a) of this section, the Department of Health and Human Services may adopt temporary rules concerning the placement of individuals in facilities licensed under Article 2 of Chapter 122C of the General Statutes and the enrollment of providers of services to such individuals in the Medicaid program. After having the proposed temporary rule published in the North Carolina Register and at least 30 days prior to adopting a temporary rule pursuant to this subsection, the Department shall:

- (1) Notify persons on its mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a temporary rule.
- (2) Accept oral and written comments on the proposed temporary rule.
- (3) Hold at least one public hearing on the proposed temporary rule.

When the Department adopts a temporary rule pursuant to this subsection, the Department shall submit a reference to this subsection as the Department's statement of need to the Codifier of Rules.

Notwithstanding any other provision of this Chapter, the Codifier of Rules shall publish in the North Carolina Register a proposed temporary rule received from the Department in accordance with this subsection."

SECTION 4.7. G.S. 7B-505 reads as rewritten:

"§ 7B-505. Place of nonsecure custody.

A juvenile meeting the criteria set out in G.S. 7B-503 may be placed in nonsecure custody with the department of social services or a person designated in the order for temporary residential placement in:

- (1) A licensed foster home or a home otherwise authorized by law to provide such care; or
- (2) A facility operated by the department of social services; or
- (3) Any other home or facility, including a relative's home approved by the court and designated in the order.

In placing a juvenile in nonsecure custody under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interests of the juvenile. In placing a juvenile in nonsecure custody under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence. In placing a

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juvenile in nonsecure custody under this section, the court shall consider the Indian Child Welfare Act, Pub. L. No. 95-608, 25 U.S.C. §§ 1901, et seq., as amended, and the Howard M. Metzenbaum Multiethnic Placement Act of 1994, Pub. L. No. 103-382, 108 Stat. 4056, as amended, as they may apply. Placement of a juvenile with a relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children, Article 38 of this Chapter."

SECTION 4.8. G.S. 7B-903(a)(2)c. reads as rewritten:

- "c. Place the juvenile in the custody of the department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of the department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state. The director may, unless otherwise ordered by the court, arrange for, provide, or consent to, needed routine or emergency medical or surgical care or treatment. In the case where the parent is unknown, unavailable, or unable to act on behalf of the juvenile, the director may, unless otherwise ordered by the court, arrange for, provide, or consent to any psychiatric, psychological, educational, or other remedial evaluations or treatment for the juvenile placed by a court or the court's designee in the custody or physical custody of a county department of social services under the authority of this or any other Chapter of the General Statutes. Prior to exercising this authority, the director shall make reasonable efforts to obtain consent from a parent or guardian of the affected juvenile. If the director cannot obtain such consent, the director shall promptly notify the parent or guardian that care or treatment has been provided and shall give the parent frequent status reports on the circumstances of the juvenile. Upon request of a parent or guardian of the affected juvenile, the results or records of the aforementioned evaluations, findings, or treatment shall be made available to such parent or guardian by the director unless prohibited by G.S. 122C-53(d). If a juvenile is removed from the home and placed in custody or placement responsibility of a county department of social services, the director shall not allow unsupervised visitation with, or return physical custody of the juvenile to, the parent, guardian, custodian, or caretaker without a hearing at which the court finds that the juvenile will receive proper care and supervision in a safe home.

In placing a juvenile in out-of-home care under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe

home, then the court shall order placement of the juvenile with the relative unless the court finds that the placement is contrary to the best interests of the juvenile. In placing a juvenile in out-of-home care under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence. Placement of a juvenile with a relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children."

SECTION 4.9. G.S. 7B-2502(a) reads as rewritten:

"(a) In any case, the court may order that the juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine the needs of the juvenile. In the case of a juvenile adjudicated delinquent for committing an offense that involves the possession, use, sale, or delivery of alcohol or a controlled substance, the court shall require the juvenile to be tested for the use of controlled substances or alcohol within 30 days of the adjudication. In the case of any juvenile adjudicated delinquent, the court may, if it deems it necessary, require the juvenile to be tested for the use of controlled substances or alcohol. The results of these initial tests conducted pursuant to this subsection shall be used for evaluation and treatment purposes only. In placing a juvenile in out-of-home care under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence."

SECTION 4.10. G.S. 7B-2503 reads as rewritten:

"§ 7B-2503. Dispositional alternatives for undisciplined juveniles.

The following alternatives for disposition shall be available to the court exercising jurisdiction over a juvenile who has been adjudicated undisciplined. In placing a juvenile in out-of-home care under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence. The court may combine any of the applicable alternatives when the court finds it to be in the best interests of the juvenile:

- (1) In the case of any juvenile who needs more adequate care or supervision or who needs placement, the judge may:
 - a. Require that the juvenile be supervised in the juvenile's own home by a department of social services in the juvenile's county of residence, a juvenile court counselor, or other personnel as may be available to the court, subject to conditions applicable to the parent, guardian, or custodian or the juvenile as the judge may specify; or
 - b. Place the juvenile in the custody of a parent, guardian, custodian, relative, private agency offering placement services, or some other suitable person; or
 - c. Place the juvenile in the custody of a department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of a department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state. An order placing a juvenile in the custody or placement responsibility of a county department of

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social services shall contain a finding that the juvenile's continuation in the juvenile's own home would be contrary to the juvenile's best interest. This placement shall be reviewed in accordance with G.S. 7B-906. The director may, unless otherwise ordered by the judge, arrange for, provide, or consent to, needed routine or emergency medical or surgical care or treatment. In the case where the parent is unknown, unavailable, or unable to act on behalf of the juvenile or juveniles, the director may, unless otherwise ordered by the judge, arrange for, provide or consent to any psychiatric, psychological, educational, or other remedial evaluations or treatment for the juvenile placed by a judge or the judge's designee in the custody or physical custody of a county department of social services under the authority of this or any other Chapter of the General Statutes. Prior to exercising this authority, the director shall make reasonable efforts to obtain consent from a parent, guardian, or custodian of the affected juvenile. If the director cannot obtain consent, the director shall promptly notify the parent, guardian, or custodian that care or treatment has been provided and shall give the parent, guardian, or custodian frequent status reports on the circumstances of the juvenile. Upon request of a parent, guardian, or custodian of the affected juvenile, the results or records of the aforementioned evaluations, findings, or treatment shall be made available to the parent, guardian, or custodian by the director unless prohibited by G.S. 122C-53(d).

- (2) Place the juvenile under the protective supervision of a juvenile court counselor for a period of up to three months, with an extension of an additional three months in the discretion of the court.
- (3) Excuse the juvenile from compliance with the compulsory school attendance law when the court finds that suitable alternative plans can be arranged by the family through other community resources for one of the following:
 - a. An education related to the needs or abilities of the juvenile including vocational education or special education;
 - b. A suitable plan of supervision or placement; or
 - c. Some other plan that the court finds to be in the best interests of the juvenile."

SECTION 4.11. The Department of Health and Human Services shall report to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services and to the Senate Health and Human Services Appropriations Subcommittee and the House of Representatives Appropriations Subcommittee on Health and Human Services by June 1, 2003, regarding the business plan information required by G.S. 122C-115.2(b), as amended by Section 4.3 of this act.

SECTION 5. Section 1 of this act becomes effective January 1, 2003. Sections 2 and 3 of this act become effective July 1, 2003. The remainder of this act is effective when it becomes law. Section 4.6 of this act expires on October 1, 2004.

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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 (32-0).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
October 3, 2002

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 866, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for **S.B. 866** on October 2, the bill is ordered enrolled and sent to the Governor.

CONFERENCE REPORT

Senator Kerr for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1734** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO PROVIDE FOR CAPITAL PLANNING COSTS FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING 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 House 1734, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO ESTABLISH A GRADUATED RATE STRUCTURE FOR THE CORPORATE INCOME TAX; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO

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PROVIDE FOR CAPITAL PLANNING COSTS FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES, Senate Finance Committee Substitute #2 Adopted 10/2/02, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute #2, Adopted 10/2/02, 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 H1734-PCCS4344-LY-3.

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

Date Conferees approved report: October 3, 2002.

S/John H. Kerr, III – Co-Chair
S/David W. Hoyle – Co-Chair
S/Anthony E. Rand
S/Howard N. Lee
S/Aaron W. Plyler
Thomas LaFontine Odom, Sr.
Patrick J. Ballantine
Robert A. Rucho
S/Linda Garrou

S/Bill Owens
S/Philip A. Baddour, Jr.
S/Gordon P. Allen, Sr.
S/Joe Hackney
S/David Redwine
S/Charles F. Buchanan
S/Ruth M. Easterling
Richard T. Morgan
S/Bill Culpepper
S/Joe Tolson
S/H. M. Michaux, Jr.

Conferees for the Senate

*Conferees for the
House of Representatives*

The text of the attached Proposed Conference Committee Substitute H1734-PCCS4344-LY-3 is as follows:

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE PLANNING AND DEVELOPMENT FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

PART 1. BILL LEE ACT

SECTION 1.1. G.S. 105-129.9(a) and (c) read as rewritten:

"(a) General Credit. – If a taxpayer that has purchased or leased eligible machinery and equipment places them in service in this State during the taxable year, the taxpayer is allowed a credit equal to ~~seven percent (7%)~~ the applicable percentage of the excess of the eligible investment amount over the applicable threshold. Machinery and equipment are eligible if they are capitalized by the taxpayer for tax purposes under the

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Code and not leased to another party. In addition, in the case of a large investment, machinery and equipment that are not capitalized by the taxpayer are eligible if the taxpayer leases them from another party. The credit may not be taken for the taxable year in which the machinery and equipment are placed in service but shall be taken in equal installments over the seven years following the taxable year in which they are placed in service. The applicable percentage is as follows:

<u>Area Enterprise Tier</u>	<u>Applicable Percentage</u>
<u>Tier One</u>	<u>7%</u>
<u>Tier Two</u>	<u>7%</u>
<u>Tier Three</u>	<u>6%</u>
<u>Tier Four</u>	<u>5%</u>
<u>Tier Five</u>	<u>4%</u>

...

(c) **Threshold.** – The applicable threshold is the appropriate amount set out in the following table based on the enterprise tier where the eligible machinery and equipment are placed in service during the taxable year. If the taxpayer places eligible machinery and equipment in service at more than one establishment in an enterprise tier during the taxable year, the threshold applies separately to the eligible machinery and equipment placed in service at each establishment. If the taxpayer places eligible machinery and equipment in service at an establishment over the course of a two-year period, the applicable threshold for the second taxable year is reduced by the eligible investment amount for the previous taxable year.

Area Enterprise Tier	Threshold
Tier One	\$ -0-
Tier Two	100,000
Tier Three	200,000
Tier Four	500,000 1,000,000
Tier Five	1,000,000 2,000,000"

SECTION 1.2. G.S. 105-129.4 is amended by adding a new subsection to read:

"(b6) **Overdue Tax Debts.** – A taxpayer is not eligible for a credit allowed under this Article if, at the time the taxpayer claims an installment or carryforward of the credit, the taxpayer has received a notice of an overdue tax debt and that overdue tax debt has not been satisfied or otherwise resolved."

SECTION 1.3.(a) If House Bill 1665, 2001 General Assembly, does not become law, then G.S. 105-129.4(b) reads as rewritten:

"(b) **Wage Standard.** – ~~A taxpayer is eligible for the credit for creating jobs or the credit for worker training in an enterprise tier three, four, or five area if, for the calendar year the jobs are created or the worker training is provided,~~created, the average wage of the jobs for which the credit is claimed meets the wage standard and the average wage of all jobs at the location with respect to which the credit is claimed meets the wage standard. No credit is allowed for jobs not included in the wage calculation. A taxpayer is eligible for the credit for investing in machinery and equipment, the credit for research and development, ~~or the credit for investing in real property for a central office or aircraft facility, or the credit for substantial investment in other property facility in a tier three, four, or five area~~ if, for the calendar year the taxpayer engages in the activity that qualifies for the credit, the average wage of all jobs at the location with respect to which the credit is claimed meets the wage standard. In making the wage calculation, the taxpayer must include any positions that were filled for at least 1,600 hours during the calendar year the taxpayer engages in the activity that qualifies for the credit even if those positions are not filled at the time the taxpayer claims the credit. For a taxpayer with a taxable year other than a calendar year, the taxpayer must use the wage standard for the calendar year in

which the taxable year begins. No wage standard applies to credits for activities in an enterprise tier one or two area.

Jobs meet the wage standard if they pay an average weekly wage that is at least equal to ~~the applicable percentage times one hundred ten percent (110%)~~ of the applicable average weekly wage for the county in which the jobs will be located, as computed by the Secretary of Commerce from data compiled by the Employment Security Commission for the most recent period for which data are available. ~~The applicable percentage for jobs located in an enterprise tier one area is one hundred percent (100%). The applicable percentage for all other jobs is one hundred ten percent (110%).~~ The applicable average weekly wage is the lowest of the following: (i) the average wage for all insured private employers in the county, (ii) the average wage for all insured private employers in the State, and (iii) the average wage for all insured private employers in the county multiplied by the county income/wage adjustment factor. The county income/wage adjustment factor is the county income/wage ratio divided by the State income/wage ratio. The county income/wage ratio is average per capita income in the county divided by the annualized average wage for all insured private employers in the county. The State income/wage ratio is the average per capita income in the State divided by the annualized average wage for all insured private employers in the State. The Department of Commerce must annually publish the wage standard for each county."

SECTION 1.3.(b) If House Bill 1665, 2001 General Assembly, becomes law, then G.S. 105-129.4(b) reads as rewritten:

"(b) Wage Standard. – A taxpayer is eligible for the credit for creating jobs ~~or the credit for worker training in an enterprise tier three, four, or five area~~ if, for the calendar year the jobs are ~~created or the worker training is provided,~~ created, the average wage of the jobs for which the credit is claimed meets the wage standard and the average wage of all jobs at the location with respect to which the credit is claimed meets the wage standard. No credit is allowed for jobs not included in the wage calculation. A taxpayer is eligible for the credit for investing in machinery and equipment, the credit for research and development, or the credit for investing in real property for a central office or aircraft facility, or the credit for substantial investment in other property facility in a tier three, four, or five area if, for the calendar year the taxpayer engages in the activity that qualifies for the credit, the average wage of all jobs at the location with respect to which the credit is claimed meets the wage standard. In making the wage calculation, the taxpayer must include any positions that were filled for at least 1,600 hours during the calendar year the taxpayer engages in the activity that qualifies for the credit even if those positions are not filled at the time the taxpayer claims the credit. For a taxpayer with a taxable year other than a calendar year, the taxpayer must use the wage standard for the calendar year in which the taxable year begins. No wage standard applies to credits for activities in an enterprise tier one or two area.

Part-time jobs for which the taxpayer provides health insurance as provided in subsection (b2) of this section are considered to have an average weekly wage at least equal to the applicable percentage times the applicable average weekly wage for the county in which the jobs will be located. There may be a period of up to 100 days between the time at which an employee begins a part-time job and the time at which the taxpayer begins to provide health insurance for that employee.

Jobs meet the wage standard if they pay an average weekly wage that is at least equal to ~~the applicable percentage times one hundred ten percent (110%)~~ of the applicable average weekly wage for the county in which the jobs will be located, as computed by the Secretary of Commerce from data compiled by the Employment Security Commission for the most recent period for which data are available. ~~The applicable percentage for jobs located in an enterprise tier one area is one hundred percent (100%). The applicable percentage for all other jobs is one hundred ten percent (110%).~~ The applicable average

weekly wage is the lowest of the following: (i) the average wage for all insured private employers in the county, (ii) the average wage for all insured private employers in the State, and (iii) the average wage for all insured private employers in the county multiplied by the county income/wage adjustment factor. The county income/wage adjustment factor is the county income/wage ratio divided by the State income/wage ratio. The county income/wage ratio is average per capita income in the county divided by the annualized average wage for all insured private employers in the county. The State income/wage ratio is the average per capita income in the State divided by the annualized average wage for all insured private employers in the State. The Department of Commerce must annually publish the wage standard for each county."

SECTION 1.4. G.S. 105-129.3A is amended by adding a new subsection to read:

"(d) Parcel of Property Partially in a Development Zone. – For the purposes of this section, a parcel of property that is located partially within a development zone is considered entirely within the development zone if all of the following conditions are satisfied:

- (1) At least fifty percent (50%) of the parcel is located within the development zone.
- (2) The parcel was in existence and under common ownership prior to the most recent federal decennial census.
- (3) The parcel is a portion of land made up of one or more tracts or tax parcels of land that is surrounded by a continuous perimeter boundary."

SECTION 1.5. G.S. 105-129.2 is amended by adding a new subdivision to read:

"§ 105-129.2. Definitions.

The following definitions apply in this Article:

...
 (17a) Overdue tax debt. – Defined in G.S. 105-243.1."

SECTION 1.6. In addition to heightening the incentive effect of the William S. Lee Quality Jobs and Business Expansion Act in lower-tiered counties, the changes in Section 1.1 of this act are intended to reduce the cost of the Act and make more revenues available to the State of North Carolina in future years. It is the intent of the General Assembly in making these changes to provide a source of funds that could be used in future years to support other, more targeted economic development programs aimed at helping create new jobs in North Carolina.

SECTION 1.7. Section 1.1 of this act is effective for taxable years beginning on or after January 1, 2003, and applies to business activities that occur on or after January 1, 2003, but does not apply to business activities that occur on or after January 1, 2003, that are subject to a letter of commitment signed under G.S. 105-129.9 before January 1, 2003. Sections 1.2 through 1.5 of this act are effective for taxable years beginning on or after January 1, 2003. The remainder of this part is effective when it becomes law.

PART 2. JOB DEVELOPMENT INVESTMENT GRANT PROGRAM

SECTION 2.1.(a) Article 10 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 2F.

"Job Development Investment Grant Program.

"§ 143B-437.44. Legislative findings and purpose.

The General Assembly finds that:

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- (1) It is the policy of the State of North Carolina to stimulate economic activity and to create new jobs for the citizens of the State by encouraging and promoting the expansion of existing business and industry within the State and by recruiting and attracting new business and industry to the State.
- (2) Both short-term and long-term economic trends at the State, national, and international levels have made the successful implementation of the State's economic development policy and programs both more critical and more challenging; and the decline in the State's traditional industries, and the resulting adverse impact upon the State and its citizens, have been exacerbated in recent years by adverse national and State economic trends that contribute to the reduction in the State's industrial base and that inhibit the State's ability to sustain or attract new and expanding businesses.
- (3) The economic condition of the State is not static and recent changes in the State's economic condition have created economic distress that requires a reevaluation of certain existing State programs and the enactment of a new program as provided in this Part that are designed to stimulate new economic activity and to create new jobs within the State.
- (4) The enactment of this Part is necessary to stimulate the economy, facilitate economic recovery, and create new jobs in North Carolina; and this Part will promote the general welfare and confer, as its primary purpose and effect, benefits on citizens throughout the State through the creation of new jobs, an enlargement of the overall tax base, an expansion and diversification of the State's industrial base, and an increase in revenue to the State and its political subdivisions.
- (5) The purpose of this Part is to stimulate economic activity and to create new jobs within the State.
- (6) It is not the intent of the General Assembly that grants provided through this Part be used as venture capital funds, business incubator funds, or business start-up funds or to otherwise fund the initial capitalization needs of new businesses.
- (7) Nothing in this Part shall be construed to constitute a guarantee or assumption by the State of any debt of any business or to authorize the taxing power or the full faith and credit of the State to be pledged.

"§ 143B-437.45. Definitions.

The following definitions apply in this Part:

- (1) Agreement. – A community economic development agreement under G.S. 143B-437.51.
- (2) Base years. – The first two complete calendar years following the effective date of an agreement.
- (3) Business. – A corporation, sole proprietorship, cooperative association, partnership, S corporation, limited liability company, nonprofit corporation, or other form of business organization, located either within or outside this State.
- (4) Committee. – The Economic Investment Committee established pursuant to G.S. 143B-437.48.

- (5) Eligible position. – A position created by a business and filled by a new full-time employee in this State during the base years or in subsequent years of a grant.
- (6) Full-time employee. – A person who is employed for consideration for at least 35 hours a week, whose wages are subject to withholding under Article 4A of Chapter 105 of the General Statutes, and who is determined by the Committee to be employed in a permanent position according to criteria it develops in consultation with the Attorney General. The term does not include any person who works as an independent contractor or on a consulting basis for the business.
- (7) New employee. – A full-time employee who represents a net increase in the number of the business's employees statewide. The term includes an employee who previously filled an eligible position who is rehired or called back from a layoff that occurs during or following the base years to a vacant position previously held by that employee or to a new position established during or following the base years.
- (8) Overdue tax debt. – Defined in G.S. 105-243.1.
- (9) Related member. – Defined in G.S. 105-130.7A.
- (10) Withholdings. – The amount withheld by a business from the wages of employees in eligible positions under Article 4A of Chapter 105 of the General Statutes.

"§ 143B-437.46. Job Development Investment Grant Program.

(a) Program. – There is established the Job Development Investment Grant Program to be administered by the Economic Investment Committee. In order to foster job creation and investment in the economy of this State, the Committee may enter into negotiated agreements with businesses to provide grants in accordance with the provisions of this Part. The Committee, in consultation with the Attorney General, shall develop criteria to be used in determining whether the conditions of this section are satisfied and whether the project described in the application is otherwise consistent with the purposes of this Part. Before entering into an agreement, the Committee must find that all the following conditions are met:

- (1) The project proposed by the business will create, during the term of the agreement, a net increase in employment in this State by the business.
- (2) The project will benefit the people of this State by increasing opportunities for employment and by strengthening this State's economy by, for example, providing worker training opportunities, constructing and enhancing critical infrastructure, increasing development in strategically important industries, or increasing the State and local tax base.
- (3) The project is consistent with economic development goals for the State and for the area where it will be located.
- (4) A grant under this Part is necessary for the completion of the project in this State.
- (5) The total benefits of the project to the State outweigh its costs and render the grant appropriate for the project.

(b) Cap. – The maximum number of agreements the Committee may enter into each calendar year is 15.

(c) Ceiling. – The maximum amount of total annual liability for grants for agreements entered into in any single calendar year may not exceed ten million dollars

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(\$10,000,000). No agreement may be entered into that, when considered together with other existing agreements entered into during that calendar year, could cause the State's potential total annual liability for grants entered into in that calendar year to exceed this amount.

"§ 143B-437.47. Eligible projects.

(a) Minimum Number of Eligible Positions. – A business may apply to the Committee for a grant for any project that creates the minimum number of eligible positions as set out in the table below. If the project will be located in more than one enterprise tier area, the location with the highest enterprise tier area designation determines the minimum number of eligible positions that must be created.

<u>Enterprise Tier Area</u>	<u>Number of Eligible Positions</u>
<u>Tier One</u>	<u>10</u>
<u>Tier Two</u>	<u>10</u>
<u>Tier Three</u>	<u>10</u>
<u>Tier Four</u>	<u>20</u>
<u>Tier Five</u>	<u>20</u>

(b) Ineligible Businesses. – A project that consists solely of retail facilities is not eligible for a grant under this Part. If a project consists of both retail facilities and nonretail facilities, only the portion of the project consisting of nonretail facilities is eligible for a grant, and only the withholdings from employees in eligible positions that are employed exclusively in the portion of the project that represents nonretail facilities may be used to determine the amount of the grant. If a warehouse facility is part of a retail facility and supplies only that retail facility, the warehouse facility is not eligible for a grant. For the purposes of this Part, catalog distribution centers are not retail facilities.

A project that consists of a professional or semiprofessional sports team or club is not eligible for a grant under this Part.

(c) Health Insurance. – A business is eligible for a grant under this Part only if the business provides health insurance for all of the full-time employees of the project with respect to which the grant is made. For the purposes of this subsection, a business provides health insurance if it pays at least fifty percent (50%) of the premiums for health care coverage that equals or exceeds the minimum provisions of the basic health care plan of coverage recommended by the Small Employer Carrier Committee pursuant to G.S. 58-50-125.

Each year that a business receives a grant under this Part, the business must provide with the submission required under G.S. 143B-437.52 a certification that the business continues to provide health insurance for all full-time employees of the project with respect to which the grant is made. If the business ceases to provide health insurance to all full-time employees of the project with respect to which a grant is made, the Committee shall amend or terminate the agreement as provided in G.S. 143B-437.53.

(d) Wage Standard. – In order for a business to be eligible for a grant under this Part, the average wage of all jobs at the location with respect to which a grant is made must meet the wage standard set out in G.S. 105-129.4(b). If a project is to be located at more than one location, the average wage of all jobs at a location must meet the wage standard set out in G.S. 105-129.4(b) in order for that location to be included in the agreement.

(e) Safety and Health Programs. – In order for a business to be eligible for a grant under this Part, the business must have no citations under the Occupational Safety and Health Act that have become a final order within the past three years for willful serious violations or for failing to abate serious violations with respect to the location for which the grant is made. For the purposes of this subsection, "serious violation" has the same meaning as in G.S. 95-127.

"§ 143B-437.48. Economic Investment Committee established.

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(a) Membership. – The Economic Investment Committee is established. The Committee consists of the following members:

- (1) The Secretary of Commerce.
- (2) The Secretary of Revenue.
- (3) The Director of the Office of State Budget and Management.
- (4) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (5) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.

The members of the Committee appointed by the General Assembly may not be members of the General Assembly. The members of the Committee appointed by the General Assembly serve two-year terms that begin upon appointment.

(b) Decision Required. – The Committee may act only upon a decision of three of its five members.

(c) Conflict of Interest. – It is unlawful for a former member of the Committee to, within two years after the end of service on the Committee, provide services for compensation, as an employee, consultant, or otherwise, to any business or a related member of the business that was awarded a grant under this Part while the former member was serving on the Committee. Violation of this subsection is a Class 1 misdemeanor. In addition to the penalties imposed under G.S. 15A-1340.23, the court shall also make a finding as to what compensation was received by the defendant for services in violation of this section and shall order the defendant to forfeit that compensation.

If a person is convicted under this section, the person shall not provide services for compensation, as an employee, consultant, or otherwise, to any business or a related member of the business that was awarded a grant under this Part while the former member was serving on the Committee until two years after the person's conviction under this section.

(d) Public Notice. – The Committee shall do all of the following at least 15 business days prior to the adoption of or amendment to any proposed criteria:

- (1) Publish the proposed criteria on the Department of Commerce's web site.
- (2) Provide notice to persons who have requested notice of proposed criteria.
- (3) Accept oral and written comments on the proposed criteria.

(e) Sunshine. – Meetings of the Committee are subject to the open meetings requirements of Article 33C of Chapter 143 of the General Statutes. All documents of the Committee, including applications for grants, are public records governed by Chapter 132 of the General Statutes and any applicable provisions of the General Statutes protecting confidential information.

"§ 143B-437.49. Applications; fees; reports; study.

(a) Application. – A business shall apply, under oath, to the Committee for a grant on a form prescribed by the Committee that includes at least all of the following:

- (1) The name of the business, the proposed location of the project, and the type of activity in which the business will engage at the project site or sites.
- (2) The names and addresses of the principals or management of the business, the nature of the business, and the form of business organization under which it is operated.
- (3) The financial statements of the business prepared by a certified public accountant and any other financial information the Committee considers necessary.

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- (4) The number of eligible positions proposed to be created during the base years and thereafter and the salaries for these positions.
- (5) An estimate of the total withholdings.
- (6) Certification that the business will provide health insurance to all full-time employees of the project.
- (7) Information concerning other locations, including locations in other states and countries, being considered for the project and the nature of any benefits that would accrue to the business if the project were to be located in one of those locations.
- (8) Information concerning any other State or local government incentives for which the business is applying or that it has an expectation of receiving.
- (9) Any other information necessary for the Committee to evaluate the application.

A business may apply, in one consolidated application in a form and manner determined by the Committee, for a grant on its own behalf as a business and for grants on behalf of the related members of the business who may qualify under this Part.

The Committee will consider an application by a business for grants on behalf of its related members only if the related members for whom the application is submitted have assigned to the business any claim of right the related members may have under this Part to apply for grants individually during the term of the agreement and have agreed to cooperate with the business in providing to the Committee all the information required for the initial application and the agreement, and any other information the Committee may require for the purposes of this Part. The applicant business is responsible for providing to the Committee all the information required under this Part.

If a business applies for a grant on behalf of its related members, the related members included in the application may be permitted to meet the qualifications for a grant collectively by participating in a project that meets the requirements of this Part. The amount of a grant may be calculated under the terms of this Part as if the related members were all collectively one business entity. Any conditions for a grant, other than the number of eligible positions created, apply to each related member who is listed in the application as participating in the project. The grants awarded shall be paid to the applicant business. A grant received under this Part by a business may be apportioned to the related members in a manner determined by the business. In order for an agreement to be executed, each related member included in the application must sign the agreement and agree to abide by its terms.

(b) Application Fee. – When filing an application under this section, the business must pay the Committee a fee of five thousand dollars (\$5,000). The fee is due at the time the application is filed. The Secretary of Commerce, the Secretary of Revenue, and the Director of the Office of State Budget and Management shall determine the allocation of the fee imposed by this section among their agencies. The proceeds of the fee are receipts of the agency to which they are credited.

(c) Annual Reports. – The Committee shall publish a report on the Job Development Investment Grant Program on or before April 30 of each year. The report shall include the following:

- (1) A listing of each community economic development agreement negotiated and entered into during the preceding calendar year, including the name of the business, the cost/benefit analysis conducted by the Committee during the application process, a description of the project, the term of the agreement, the percentage used to determine the amount of the grant, and the amount of the grant made under the agreement during that year.

- (2) An update on the status of projects under agreements entered into before the preceding calendar year.
- (3) The number and enterprise tier area of eligible positions created by projects with respect to which grants were awarded.
- (4) The wage levels of all eligible positions created by projects with respect to which grants are awarded, aggregated and listed in increments of five thousand dollars (\$5,000).
- (5) The amount of new income tax revenue received from withholdings related to the projects for which grants were awarded.
- (6) The criteria developed by the Committee, in consultation with the Attorney General, to implement this Part and any changes in those criteria from the previous calendar year.
- (7) The effectiveness of the program in recruiting new and expanding businesses.
- (8) The environmental impact of businesses that have received grants under the program.
- (9) The geographic distribution of grants, by number and amount, awarded under the program.
- (10) An explanation of whether the projects with respect to which agreements are entered into involve new businesses in the State or expanding existing businesses in the State.
- (11) A listing of all businesses making an application under this Part and an explanation of whether each business ultimately located the project in this State regardless of whether the business was awarded a grant for the project under this Part.
- (12) The division and use of fees collected by the Committee under this section and under G.S. 143B-437.52.

(d) Quarterly Reports. – The Committee shall publish a report on the Job Development Investment Grant Program within two months of the end of each quarter. This report shall include a listing of each community economic development agreement negotiated and entered into during the preceding quarter, including the name of the business, the cost/benefit analysis conducted by the Committee during the application process, a description of the project, and the amount of the grant expected to be made under the agreement during the current fiscal year.

(e) Study. – The Committee shall conduct a study to determine the minimum funding level required to implement the Job Development Investment Grant Program successfully. The Committee shall report the results of this study to the House of Representatives Finance Committee, the Senate Finance Committee, the House of Representatives Appropriations Subcommittee on Natural and Economic Resources, the Senate Appropriations Committee on Natural and Economic Resources, and the Fiscal Research Division no later than March 1 of each year.

"§ 143B-437.50. Calculation of minimum and maximum grants; factors considered.

(a) Subject to the limitations of subsection (d) of this section, the amount of the grant awarded in each case shall be a percentage of the withholdings of eligible positions. The percentage shall be no less than ten percent (10%) and no more than seventy-five percent (75%) of the withholdings of the eligible positions for a period of years. The percentage used to determine the amount of the grant shall be based on criteria developed by the Committee, in consultation with the Attorney General, after considering at least the following:

- (1) The number of eligible positions to be created.
- (2) The expected duration of those positions.

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- (3) The type of contribution the business can make to the long-term growth of the State's economy.
- (4) The amount of other financial assistance the project will receive from the State or local governments.
- (5) The total dollar investment the business is making in the project.
- (6) Whether the project utilizes existing infrastructure and resources in the community.
- (7) Whether the project is located in a development zone.
- (8) The number of eligible positions that would be filled by residents of a development zone.
- (9) The extent to which the project will mitigate unemployment in the State and locality.

(b) The term of the grant shall not exceed 12 years starting with the first year a grant is made.

(c) The grant may be based only on eligible positions created during the base years, unless the Committee makes an explicit determination that the grant shall also be based on additional eligible positions created during the remainder of the term of the grant.

(d) The percentage established in the agreement shall be reduced by one-fourth for any eligible position that is located in an enterprise tier four or five area.

(e) A business that is receiving any other grant by operation of State law may not receive an amount as a grant pursuant to this Part that, when combined with any other grants, exceeds seventy-five percent (75%) of the withholdings of the business, unless the Committee makes an explicit finding that the additional grant is necessary to secure the project.

(f) The amount of a grant associated with any specific eligible position may not exceed six thousand five hundred dollars (\$6,500) in any year.

"§ 143B-437.51. Community economic development agreement.

(a) Terms. – Each community economic development agreement shall include at least the following:

- (1) A detailed description of the proposed project that will result in job creation and the number of new employees to be hired in the base years and later years.
- (2) The term of the grant and the criteria used to determine the first year for which the grant may be claimed.
- (3) The number of eligible positions that are subjects of the grant and a description of those positions and the location of those positions.
- (4) The amount of the grant based on a percentage of withholdings.
- (5) A method for determining the number of new employees hired during a grant year.
- (6) A method for the business to report annually to the Committee the number of eligible positions for which the grant is to be made.
- (7) A requirement that the business report to the Committee annually the aggregate amount of withholdings during the grant year.
- (8) A provision permitting an audit of the payroll records of the business by the Committee from time to time as the Committee considers necessary.
- (9) A provision that requires the Committee to amend an agreement pursuant to G.S. 143B-437.53.

- (10) A provision that requires the business to maintain operations at the project location or another location approved by the Committee for at least one hundred fifty percent (150%) of the term of the grant and a provision to permit the Committee to recapture all or part of the grant at its discretion if the business does not remain at the site for the required term.
- (11) A provision that requires the business to maintain employment levels in this State at the level of the year immediately preceding the base years.
- (12) A provision establishing the conditions under which the grant agreement may be terminated, in addition to those under G.S. 143B-437.53, and under which grant funds may be recaptured by the Committee.
- (13) A provision stating that unless the agreement is amended or terminated pursuant to G.S. 143B-437.53, the agreement is binding and constitutes a continuing contractual obligation of the State and the business.
- (14) A provision setting out any allowed variation in the terms of the agreement that will not subject the business to amendment or termination of the agreement under G.S. 143B-437.53.
- (15) A provision that prohibits the business from manipulating or attempting to manipulate employee withholdings with the purpose of increasing the amount of the grant and that requires the Committee to terminate the agreement and take action to recapture grant funds if the Committee finds that the business has manipulated or attempted to manipulate withholdings with the purpose of increasing the amount of the grant.
- (16) A provision requiring that the business engage in fair employment practices as required by State and federal law and a provision encouraging the business to use small contractors, minority contractors, physically handicapped contractors, and women contractors whenever practicable in the conduct of its business.
- (17) A provision encouraging the business to hire North Carolina residents.
- (18) A provision encouraging the business to use the North Carolina State Ports.
- (19) A provision stating that the State is not obligated to make any annual grant payment unless and until the State has received withholdings from the business in an amount that exceeds the amount of the grant payment.
- (20) A provision describing the manner in which the amount of a grant will be measured and administered to ensure compliance with the provisions of G.S. 143B-437.46(c).
- (21) A provision stating that any recapture of a grant and any amendment to an agreement reducing the amount of the grant or the term of the agreement must, at a minimum, be proportional to the failure to comply measured relative to the condition or criterion with respect to which the failure occurred.
- (22) A provision stating that any disputes over interpretation of the agreement shall be submitted to binding arbitration.

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- (23) A provision stating that the amount of a grant associated with any specific eligible position may not exceed six thousand five hundred dollars (\$6,500) in any year.
- (24) A provision stating that the business agrees to submit to an audit at any time that the Committee requires one.

(b) Approval of Attorney General. – The Attorney General shall review the terms of all proposed agreements entered into by the Committee. To be effective against the State, an agreement entered into under this Part must be signed personally by the Attorney General.

"§ 143B-437.52. Grant recipient to submit records.

(a) No later than February 1 of each year, for the preceding grant year, every business that is awarded a grant under this Part shall submit to the Committee a copy of its State and federal tax returns showing business and nonbusiness income and a report showing withholdings as a condition of its continuation in the grant program. In addition, the business shall submit to the Committee an annual payroll report showing the eligible positions that are created during the base years and the new eligible positions created during each subsequent year of the grant. When making a submission under this section, the business must pay the Committee a fee of one thousand five hundred dollars (\$1,500). The fee is due at the time the submission is made. The Secretary of Commerce, the Secretary of Revenue, and the Director of the Office of State Budget and Management shall determine the allocation of the fee imposed by this section among their agencies. The proceeds of the fee are receipts of the agency to which they are credited.

(b) The Committee may require any information that it considers necessary to effectuate the provisions of this Part.

(c) The Committee may require any business receiving a grant to submit to an audit at any time.

"§ 143B-437.53. Failure to comply with agreement.

(a) If the business receiving a grant fails to meet or comply with any condition or requirement set forth in an agreement or with criteria developed by the Committee in consultation with the Attorney General, the Committee shall amend the agreement to reduce the amount of the grant or the term of the agreement and may terminate the agreement. Any reduction of the grant is applicable to the grant year immediately following the grant year in which the Committee amends the agreement. The reduction in the amount or the term must, at a minimum, be proportional to the failure to comply measured relative to the condition or criterion with respect to which the failure occurred.

(b) If a business fails to maintain employment at the levels stipulated in the agreement or otherwise fails to comply with any condition of the agreement for any two consecutive years, the Committee shall terminate the agreement.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, if the Committee finds that the business has manipulated or attempted to manipulate employee withholdings with the purpose of increasing the amount of a grant, the Committee shall immediately terminate the agreement and take action to recapture any grant funds disbursed in any year in which the Committee finds the business manipulated or attempted to manipulate employee withholdings with the purpose of increasing the amount of the grant.

"§ 143B-437.54. Disbursement of grant.

A business may not receive an annual disbursement of a grant if, at the time of disbursement, the business has received a notice of an overdue tax debt and that overdue tax debt has not been satisfied or otherwise resolved. A business may receive an annual disbursement of a grant only after the Committee has certified to the State Controller that there are no outstanding overdue tax debts and that the business has met the terms and conditions of the agreement. No amount shall be disbursed to a business as a grant under

this Part in any year until the Secretary of Revenue has certified to the Committee (i) that there are no outstanding overdue tax debts of the business and (ii) the amount of withholdings received in that year by the Department of Revenue from the business. A business that has met the terms of the agreement shall make an annual certification of this to the Committee. The Committee shall verify this information and certify to the State Controller that the terms of the agreement have been met. The Committee shall further certify to the State Controller the amount of a grant for which the business is eligible under the agreement and the amount of a grant for which the business would be eligible under the agreement without regard to G.S. 143B-437.50(d). The State Controller shall remit a check to the business in the amount of the certified grant amount within 90 days of receiving the certification of the Committee.

"§ 143B-437.55. Transfer to Industrial Development Fund.

At the time the State Controller remits a check to a business under G.S. 143B-437.54, the State Controller shall transfer to the Utility Account of the Industrial Development Fund an amount equal to the amount certified by the Committee as the difference between the amount of the grant and the amount of the grant for which the business would be eligible without regard to G.S. 143B-437.50(d).

"§ 143B-437.56. Authority.

The authority of the Committee to enter into new agreements begins January 1, 2003, and expires January 1, 2005."

SECTION 2.1.(b) In developing criteria under G.S. 143B-437.46 for the awarding of grants under Part 2F of Article 10 of Chapter 143B of the General Statutes and under G.S. 143B-437.50 for determining the percentage upon which the amount of a grant is based, the Economic Investment Committee, in consultation with the Attorney General, may consider criteria that address the following:

- (1) Factors related to the economic impact of the project, such as the following:
 - a. Impact on gross regional product and gross State product.
 - b. Costs and benefits of the project to the State, including the expected return on investment made in the project by the State.
 - c. Number of direct jobs that will be created by the project, the wages of those jobs, and the total payroll for the project.
 - d. Number of induced short-term, project-related jobs expected to be generated by the project as well as the number of long-term permanent jobs expected to be generated indirectly in the economy as a result of the project.
 - e. Dollar value of the investment, including the size of the investment in real versus personal property and expected depreciation rates.
 - f. Economic circumstances of the county and region, including the extent to which the project will serve to mitigate unemployment.
 - g. The expected time frame during which the project is expected to pay back in State tax revenues the amount of any grants to be paid out.
 - h. The economic demands the project is expected to place upon the community or communities in which it will locate.

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- i. The number of eligible positions that would be filled by residents of development zones.
 - (2) Factors related to the strategic importance of the project to the State, region, or locality, such as the following:
 - a. The extent to which the project builds or enhances an industrial cluster.
 - b. The extent to which the project falls within a classification of business and industry that the Department of Commerce regards as a target for growth and expansion in the State.
 - c. The ability of the project to attract follow-on investment in the State by suppliers and vendors.
 - d. The extent to which the project serves to maintain and grow jobs in the State in a business undergoing an internal restructuring or rationalization process.
 - e. The extent to which the project can be expected to contribute significantly to and support the local community.
 - (3) Factors related to the quality of jobs, such as the following:
 - a. The wage level and status of the jobs to be created.
 - b. The quality and value of benefits offered by the company.
 - c. The potential for employee advancement.
 - d. The extent of training programs offered by the company.
 - e. The sustainability of the jobs in the future.
 - f. The workplace safety record of the company.
 - (4) Factors related to the quality of the industry and the project, such as the following:
 - a. The nature of the project and the project's relationship to the larger business of the company.
 - b. The nature of the industrial classification of the project and the nature of the business of the company undertaking it.
 - c. The long-term prospects for growth at the project site or sites.
 - d. The long-term prospects for growth of the company and the industry within the United States.
 - e. The financial stability of the company associated with the project.
 - (5) Factors related to the environmental impact of the project, such as the following:
 - a. The nature of the business to be conducted.
 - b. The ability of the project to satisfy State, federal, and local environmental law and regulations.
 - (6) The degree to which use of the program has been geographically dispersed among the various regions of the State and between rural and urban areas.
 - (7) Other factors that the Economic Investment Committee considers relevant that are not inconsistent with this section and that the Committee determines will further the purposes of Part 2F of Article 10 of Chapter 143B of the General Statutes.

SECTION 2.2.(a) G.S. 143B-437.01(a)(1) reads as rewritten:

"(1) The funds shall be used for (i) installation of or purchases of equipment for eligible industries, (ii) structural repairs, improvements, or renovations of existing buildings to be used for expansion of eligible industries, or (iii) construction of or improvements to new or existing water, sewer, gas, telecommunications, high-speed broadband, or electrical utility distribution lines or equipment for existing or new or proposed industrial buildings to be used for eligible industries. To be eligible for funding, the water, sewer, gas, telecommunications, high-speed broadband, or electrical utility lines or facilities shall be located on the site of the building or, if not located on the site, shall be directly related to the operation of the specific eligible industrial activity."

SECTION 2.2.(b) G.S. 143B-437.01(b1) reads as rewritten:

"(b1) Utility Account. – There is created within the Industrial Development Fund a special account to be known as the Utility Account to provide funds to assist the local government units of enterprise tier ~~one and tier two~~ one, two, and three areas, as defined in G.S. 105-129.3, in creating jobs in eligible industries. The Department of Commerce shall adopt rules providing for the administration of the program. Except as otherwise provided in this subsection, those rules shall be consistent with the rules adopted with respect to the Industrial Development Fund. The rules shall provide that the funds in the Utility Account may be used only for construction of or improvements to new or existing water, sewer, gas, telecommunications, high-speed broadband, or electrical utility distribution lines or equipment for existing or new or proposed industrial buildings to be used for eligible industrial operations. To be eligible for funding, the water, sewer, gas, telecommunications, high-speed broadband, or electrical utility lines or facilities shall be located on the site of the building or, if not located on the site, shall be directly related to the operation of the specific industrial activity. There shall be no maximum funding amount per new job to be created or per project."

SECTION 2.3. G.S. 105-259(b), as amended by S.L. 2002-87, is amended by adding a new subdivision to read:

"(b) Disclosure Prohibited. – An officer, an employee, or an agent of the State who has access to tax information in the course of service to or employment by the State may not disclose the information to any other person unless the disclosure is made for one of the following purposes:

...
 (29) To provide to the Economic Investment Committee established pursuant to G.S. 143B-437.48 information necessary to implement Part 2F of Article 10 of Chapter 143B of the General Statutes."

SECTION 2.4.(a) G.S. 153A-149(c)(10b) reads as rewritten:

"(c) Each county may levy property taxes for one or more of the purposes listed in this subsection up to a combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation. Authorized purposes subject to the rate limitation are:

...
 (10b) Economic Development. – To provide for economic development as authorized by G.S. 158-7.1 and G.S. 158-12."

SECTION 2.4.(b) G.S. 160A-209(c)(10b) reads as rewritten:

"(c) Each city may levy property taxes for one or more of the following purposes subject to the rate limitation set out in subsection (d):

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...
 (10b) Economic Development. – To provide for economic development as authorized by G.S. 158-7.1 and G.S. 158-12."

SECTION 2.5. G.S. 120-123 is amended by adding a new subdivision to

read:

"§ 120-123. **Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...
 (75) The Economic Investment Committee established under G.S. 143B-437.48."

SECTION 2.6. G.S. 150B-1(d) is amended by adding a new subdivision to

read:

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

...
 (10) The Economic Investment Committee in developing criteria for the Job Development Investment Grant Program under Part 2F of Article 10 of Chapter 143B of the General Statutes."

SECTION 2.7. The Revenue Laws Study Committee created in Article 12L of Chapter 120 of the General Statutes shall study the use, the effectiveness, and the cost versus benefits of the Job Development Investment Grant Program created in this act, the Bill Lee Act credits in Chapter 105 of the General Statutes, and the Industrial Recruitment Competitive Fund. The Study Committee may report the results of its study and any recommendations to the 2004 Regular Session of the 2003 General Assembly and shall make a final report by March 15, 2005, to the 2005 General Assembly.

SECTION 2.8. This part is effective when it becomes law.

PART 3. FILM INDUSTRY INCENTIVES

SECTION 3.1. G.S. 143B-434.3(a) reads as rewritten:

"(a) Creation and Purpose of Account. – There is created in the Department of Commerce, Division of Tourism, Film, and Sports Development, the Film Industry Development Account to provide annual grants as incentives to production companies that engage in production activities in this State. The Division of Tourism, Film, and Sports Development shall administer this program in accordance with the following provisions:

- (1) To be eligible for a grant, a production company must engage in production activities in this ~~State~~ State with expenditures in this State of at least one million dollars (\$1,000,000). A grant may not be used for political or issue advertising.
- (2) A grant may not exceed fifteen percent (15%) of the amount the production company spends for goods and services in this State during the calendar year.
- (3) A grant may not exceed two hundred thousand dollars (\$200,000) per production."

SECTION 3.2. The Revenue Laws Study Committee created in Article 12L of Chapter 120 of the General Statutes shall study options for additional economic incentives for the film industry and shall make a report to the 2003 General Assembly on its findings, including any recommendations for legislative action.

SECTION 3.3. This part is effective when it becomes law.

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PART 4. NORTH CAROLINA RAILROAD CONDEMNATION AUTHORITY**SECTION 4.1.** G.S. 40A-3(a)(4) reads as rewritten:

"(a) Private Condemnors. – For the public use or benefit, the persons or organizations listed below shall have the power of eminent domain and may acquire by purchase or condemnation property for the stated purposes and other works which are authorized by law.

...

- (4) Any railroad company has the power of eminent domain for the purposes of: constructing union depots; maintaining, operating, improving or straightening lines or of altering its location; constructing double tracks; constructing and maintaining new yards and terminal facilities or enlarging its yard or terminal facilities; connecting two of its lines already in operation not more than six miles apart; or constructing an industrial ~~siding~~ ~~ordered by the Utilities Commission as provided in G.S. 62-232.~~siding."

SECTION 4.2. This part is effective when it becomes law.

PART 5. INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING

SECTION 5.1. The General Assembly finds that there are small manufacturing companies in the State that are eligible for industrial development bond financing for capital improvements and expansions, but are not able to take advantage of that financing because of the administrative costs involved. This problem can be addressed by reviving the composite bond program under Chapter 159D of the General Statutes, under which the North Carolina Capital Facilities Finance Agency could combine several series of bonds into a single bond offering, thereby reducing transaction costs and permitting eligible small manufacturers to access tax exempt financing for capital investments. The composite bond program would be facilitated by the changes proposed to Chapter 159D in this part that will streamline the procedures for composite issues by requiring only one public hearing and align the review standard for bonds issued as part of a composite bond program with the standard for bonds issued by county industrial development projects.

SECTION 5.2. G.S. 159D-7(d) reads as rewritten:

"(d) ~~Public Hearing.~~Hearing, Generally. – The Secretary of Commerce shall not approve any proposed project pursuant to this section unless the governing body of the county in which the project is located has first conducted a public hearing and, at or after the public hearing, approved in principle the issuance of bonds under this Article for the purpose of paying all or part of the cost of the proposed project. Notice of the public hearing shall be published at least once in at least one newspaper of general circulation in the county not less than 14 days before the public hearing. The notice shall describe generally the bonds proposed to be issued and the proposed project, including its general location, and any other information the governing body considers appropriate or the Secretary of Commerce prescribes for the purpose of providing the Secretary with the views of the community. The notice shall also state that following the public hearing the agency intends to file an application for approval of the proposed project with the Secretary of Commerce.

(d1) Public Hearing, Multiple Projects. – Notwithstanding subsection (d) of this section, in the event the bonds proposed to be issued are to finance more than one project, the public hearing shall be conducted by the agency or by a hearing officer designated by the agency to conduct public hearings. The public hearing may be held at any location

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designated by the agency. Notice of the public hearing shall be published at least once in at least one newspaper of general circulation in each county in which a proposed project is to be located not less than 14 days before the public hearing. The notice shall describe generally the bonds proposed to be issued and any proposed project in that county, including its general location, and any other information the agency considers appropriate or the Secretary of Commerce prescribes for the purpose of providing the Secretary with the views of the community. A copy of the notice of public hearing must be mailed to the board of county commissioners of any county in which a proposed project is to be located and to the governing body of any municipality in which a proposed project is to be located."

SECTION 5.3. G.S. 159D-8(b) reads as rewritten:

"(b) In determining whether a proposed bond issue should be approved, the Local Government Commission may consider, without limitation, the following:

- (1) Whether the proposed operator and obligor have demonstrated or can demonstrate the financial responsibility and capability to fulfill their obligations with respect to the financing agreement. In making such determination, the commission may consider the operator's experience and the obligor's ratio of current assets to current liabilities, net worth, earnings trends and coverage of fixed charges, the nature of the industry or business involved and its stability and any additional security such as credit enhancement, insurance, guaranties or property to be pledged or secure such bonds.
- (2) Whether the political subdivisions in or near which the proposed project is to be located have the ability to cope satisfactorily with the impact of such project and to provide, or cause to be provided, the public facilities and services, including utilities, that will be necessary for such project and on account of any increase in population which are expected to result therefrom.
- (3) Whether the proposed date and manner of sale will have an adverse effect upon any scheduled or anticipated sale of obligations by the State or any political subdivision or any agency of either of them."

SECTION 5.4. This part becomes effective January 1, 2003.

PART 6. CAPITAL PLANNING COSTS FOR BIOPHARMACEUTICAL TRAINING CENTER AND CANCER REHABILITATION TREATMENT CENTER.

SECTION 6. The State Board of Community Colleges, the Board of Governors of The University of North Carolina, and the North Carolina Biotechnology Center are authorized to initiate planning and development of a new biopharmaceutical/bioprocess manufacturing training center to be centrally located and related training facilities to be located at various community colleges. The Board of Directors of the University of North Carolina Health Care System is authorized to initiate planning and development of a new cancer rehabilitation and treatment center to be located at the University of North Carolina Hospitals at Chapel Hill.

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PART 7. GENERAL PROVISIONS

SECTION 7.1. The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

SECTION 7.2. Except as otherwise provided, this act is effective when it becomes law.

With unanimous consent, upon motion of Senator Kerr, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Senator Hoyle announces a pair vote. If Senator Ballantine were present, he would vote "no"; Senator Hoyle votes "aye".

Upon motion of Senator Kerr, the Senate adopts the Conference Report (26-5).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 3:46 P.M. to reconvene at 5:00 P.M.

RECESS

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

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

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
October 3, 2002

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 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 LICENSURE ISSUES AND THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

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 report of the Conferees on **S.B. 163** October 2, the bill is ordered enrolled and sent to the Governor.

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House of Representatives
October 3, 2002

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 1734, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE PLANNING AND DEVELOPMENT FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES.

Pursuant to your message that you have adopted the report of the Conferees, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence, presented to the Senate, read the first time, and disposed of, as follows:

S.B. 910 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS, 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 on today's Calendar.

S.B. 70 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF A CONVENTION CENTER IN THE STATE'S ABC LAW, for concurrence in House Committee Substitute bill.

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

The President Pro Tempore relinquishes the gavel to Senator Tony Rand who presides in the absence of the Lieutenant Governor.

CALENDAR *(continued)*

S.B. 910 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Thomas, the Senate concurs in the House Committee Substitute bill and the measure is ordered enrolled and sent to the Governor.

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S.B. 70 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF A CONVENTION CENTER IN THE STATE'S ABC LAW, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Martin of Guilford, the Senate concurs in the House Committee Substitute bill and the measure is ordered enrolled and sent to the Governor.

PERSONAL PRIVILEGES

Upon motion of Senator Kinnaird, the following remarks honoring departing Senators are spread upon the journal as follows:

Senator Kinnaird:

"I rise to recognize an outstanding member of our Senate. It is sad that the citizens of this State have lost a person who has given so much on every level of government because of redistricting. Howard Lee is one of the finest public servants we have in our State. Senator Lee is a person of keen intellect, great heart, as well as being the greatest orator in the State. I am saddened by this loss, as I know all of us are. Senator Lee is due our thanks and commendations for his many years of service."

Senator Martin of Guilford:

"Thank you Mr. President and Members of the Senate. I am not sure how to handle this. Of course I will not be coming back, this is my last session here and I have thoroughly enjoyed the association and, as a matter of fact, there were some things I wanted to point out to everybody in terms of not only things that have transpired during the time that I have been here, but some of the things that I believe it would be wise for future General Assemblies to consider. However, I was admonished by a couple of other Members that they did not want to hear a long speech and, although I spent a lot of time and I don't usually do a prepared statement or anything, I did spend a long time preparing one to make sure that I conveyed those things I wanted to convey to you. It's about five pages and would take about ten and a half minutes. So, for the comfort of the Body, of course, I could forego that and send it to everybody by email and I will do that instead and express my feelings of appreciation to the General Assembly, to the Senate, to our leadership, to the wonderful staff that we have, not only here in the Chamber, but in general throughout the divisions we have in the Legislature, and our Legislative Assistants, and even members of the House and advocates and lobbyists and everybody. I'll do that through this email. At the same time one of the things I am pointing out in it, some of the things that I've been particularly involved and interested in during my twenty years here relating to education, relating to health care, relating to make sure folks do get equal opportunity, addressing some disparities and I've observed through this time some of the things we are doing now that ought to be changed, in my opinion, and sort of set the course for the things we need to do in engaging the public as we proceed as policy makers and lawmakers in this State. But as I said, what I'll do is abide by the wishes of the Body and I will gladly forego this opportunity. You know, I was really hoping – I have never gotten the Ox Meter Award and I was thinking today that now I won't ever get that, but that's O.K. I think it's better where it is. But I will just send this to everybody through email to make sure you get it. When you get it, read it carefully and give thought to it and again the association I've had with all of you has truly been wonderful and will always be remembered. With that, I'll sit down. Thank you."

Senator Plyler:

"Mr. President, I've been here a long time and we've had that Ox Meter for many,

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many years and this is the first time I have ever heard anyone ask for it. If it's the pleasure, Mr. President, if it's your pleasure and the rest of the committee's pleasure I would make a recommendation that we do present him with the Ox Meter Award to keep it as long as he wants to."

Senator Rand:

"For twenty years Senator Martin has been an advocate and a voice for a lot of people who have no advocate or voice and he has done a wonderful job for the people of this State in the kind of things he's done and the things he's stood for. He'll certainly be a wonderful part of the record he has made as a member of this body. Thank you, Senator Martin. Thank you for your contributions."

Senator Moore:

"Mr. President, just a couple of brief comments because I, too, will not be coming back next year and I want to thank the members of this Senate and the staff for their fantastic service, their friendships, their ability to make anyone come here and feel a part of this team and this group. You've allowed input and occasionally we're reminded that we sit on the back row – that's quite O.K.– we know how the game is played, but more than anything else and I've done this personally for Senator Martin and others before and Senator Bill sitting right here in front of me, I thank you for the opportunity even as a minority member of some very key appropriations committees and so forth, to have some input and to have you sit and listen and to see some things happen that we're all pleased with. So to each and every one of you, I thank you. I thank you for your friendship and Godspeed. Thanks."

Senator Dannelly:

"Mr. President, may I have a point of personal privilege? Thank you very much, Mr. President. Ladies and Gentlemen of this august body, I really want to thank Senator William Martin for what he has done not only for the citizens of this great State, but I want to thank him for what he has done for me. When I came here eight years ago, Bill took me under his wings, showed me all the ropes he knew. I couldn't remember them all but he taught me dedication to the causes and the needs that we had in this State. He taught me about caring for those who felt that no one cared for them, particularly their elected officials. Bill was never in a hurry to get away from any constituent that walked in his door; he always had time for them. He will still have time for them and work for them. I know that. One thing about Bill, everyone is aware of this. He will email you at 3 a.m. in the morning and then when you get in and read your email, later on additional emails will come from Bill. When ideas pop into his head he gets on his computer and sends emails. I've been trying to think of the name of his office and the best thing I can think of is it is a technology center. He had everything in there to communicate with anyone in the United States. I do want to thank him for his patience, his concern, his services to the citizens of this State and his help to me. Thank you, Bill."

Senator Soles:

"Mr. President, ladies and gentlemen of the Senate, I was sitting here thinking about the people that are leaving and the people that have been here before us and how much we owe to the contributions they've made. We have two members that are probably going to be members of the U. S. House of Representatives next time and I was thinking about how many people that have had the General Assembly as a proving ground or training ground to go on to higher offices and I pulled this little book, the Rules Book, and just since I've been here, just on this page I see the Congressmen I have served with in this legislature - Representatives Bob Etheridge, Walter Jones, Howard Coble, Robin Hayes, Cass

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Ballenger, Charles Taylor, Mel Watt and perhaps Frank Ballance and Brad Miller. Going on, the Lieutenant Governor was a member of the Legislature, the Secretary of State, Elaine Marshall; the Attorney General Roy Cooper; Commissioner of Labor, Cherie Berry; and Commissioner of Insurance, Jim Long. All of those people have been members of the Legislature since I've been here and I haven't been here since time was begun but when you sit here and you're talking with your neighbors and talking legislation, just remember you may be sitting beside the next Congressman or the next President or somebody. You never know, so be careful."

The Senate recesses at 5:44 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*.

ENROLLED BILLS

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

H.B. 1307, AN ACT TO AMEND THE MORTGAGE LENDING ACT TO AUTHORIZE LICENSURE OF EXCLUSIVE MORTGAGE BROKERS UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE CRIMINAL HISTORY BACKGROUND CHECKS ON APPLICANTS AND LICENSEES UNDER THE MORTGAGE LENDING ACT, AND TO PROVIDE FOR THE APPROVAL OF EDUCATIONAL COURSES UNDER THE MORTGAGE LENDING ACT.

H.B. 1007, AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 866, AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT.

S.B. 910, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS.

S.B. 70, AN ACT AMENDING THE DEFINITION OF A CONVENTION CENTER IN THE STATE'S ABC LAW.

H.B. 1734, AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE PLANNING AND DEVELOPMENT FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES.

S.B. 163, AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP

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HOMES TO ADDRESS LICENSURE ISSUES AND THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

H.B. 1215, AN ACT TO DIRECT UNITS OF LOCAL GOVERNMENT TO EVALUATE THEIR EFFORTS TO CONSERVE WATER, TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES GOVERNING WATER CONSERVATION AND WATER REUSE, TO ESTABLISH A GOAL TO REDUCE WATER CONSUMPTION BY STATE AGENCIES BY AT LEAST TEN PERCENT, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE WATER CONSERVATION AND WATER EFFICIENCY PROGRAMS IN THE STATE, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY METHODS TO FUND AND PROMOTE THE DEVELOPMENT OF GREEN POWER IN NORTH CAROLINA.

H.B. 1120, AN ACT TO REQUIRE THE BEACH PLAN TO ISSUE A HOMEOWNERS' INSURANCE POLICY; REQUIRE A STUDY OF THE BEACH AND FAIR PLANS; PROVIDE FOR IMMEDIATE TEMPORARY BINDING AUTHORITY OF AGENTS ACCEPTING APPLICATIONS TO THE BEACH PLAN; REQUIRE THE BEACH AND FAIR PLANS TO MAINTAIN UNEARNED PREMIUM RESERVES AND RESERVES FOR LOSSES; MAKE TECHNICAL CORRECTIONS TO THE APPOINTMENT PROVISIONS FOR THE MOTOR VEHICLE REINSURANCE FACILITY BOARD OF GOVERNORS; CLARIFY THAT THE BEACH AND FAIR PLANS ARE SUBJECT TO THE OPEN MEETINGS ACT; AND AMEND THE INSURANCE LAW PERTAINING TO SPECIAL DEPOSITS TO PERMIT HARDSHIP PAYMENTS UNDER WORKERS' COMPENSATION POLICIES.

H.B. 314, AN ACT TO TRANSFER THE DMV MOTOR VEHICLES ENFORCEMENT SECTION FROM THE DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY.

The Enrolling Clerk reports the following bills and resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1136, AN ACT TO INCREASE THE ACREAGE LIMITATION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF MARVIN, AND TO MAKE A SATELLITE ANNEXATION TO THE TOWN OF BRUNSWICK.

H.B. 1651, AN ACT TO REGULATE HUNTING IN PITT COUNTY.

H.B. 1640, A BILL TO BE ENTITLED AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY; TO ESTABLISH A NO-

WAKE ZONE IN BERTIE COUNTY; AND TO ALTER THE COMPOSITION OF THE DARE COUNTY TOURISM BOARD.

S.J.R. 1303, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS. (Res. 15)

S.J.R. 1476, A JOINT RESOLUTION HONORING THE MEMORY OF J.W. MARSH ON THE OCCASION OF THE TOWN OF MARSHVILLE'S ONE HUNDRED TWENTY-FIFTH ANNIVERSARY. (Res. 16)

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. 644, AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY. (Became law upon approval of the Governor, October 3, 2002–S.L.-2002-133.)

H.B. 1745, AN ACT TO REMOVE THE 300 PLATE REQUIREMENT FROM SPECIAL LICENSE PLATES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS' PLATES, TO MODIFY THE LOGO ON THE ROCKY MOUNTAIN ELK FOUNDATION SPECIAL LICENSE PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL LICENSE PLATE FOR AVIATION MAINTENANCE TECHNICIANS, NORTH CAROLINA AGRIBUSINESS, AND THE STATE'S OFFICIAL VEGETABLE, THE SWEET POTATO. (Became law upon approval of the Governor, October 3, 2002–S.L.-2002-134.)

H.B. 1187, AN ACT TO CLARIFY THE COURT FEES FOR LEGAL SERVICES AND TO MAKE VARIOUS COURT FEES UNIFORM. (Became law upon approval of the Governor, October 3, 2002–S.L.-2002-135.)

H.B. 1670, AN ACT TO CLARIFY THE EXPENSE ATTRIBUTION LAW AS IT APPLIES TO DEDUCTIBLE DIVIDENDS AND TO PROVIDE LIMITS ON THE POTENTIAL TAX LIABILITY. (Became law upon approval of the Governor, October 3, 2002–S.L.-2002-136.)

H.B. 1679, AN ACT TO INCORPORATE THE TOWN OF OSSIPPEE. (Became law upon ratification, October 3, 2002–S.L.-2002-137.)

H.B. 1707, AN ACT TO PROVIDE TOURISM DEVELOPMENT FOR THE NEW HANOVER COUNTY BEACH TOWNS, TO PROVIDE FOR THE ESTABLISHMENT OF A TOURISM DEVELOPMENT AUTHORITY, TO CONFORM ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY LAW TO GENERAL LAW, AND TO PROHIBIT A CONVENTION CENTER IN NEW HANOVER COUNTY FROM ENTERING INTO A CONTRACT WITH A HOTEL REQUIRING THE HOTEL TO PAY FEES OR COMMISSIONS TO THE CONVENTION CENTER BASED ON ACCOMMODATIONS PROVIDED TO INDIVIDUALS ATTENDING CONVENTION CENTER FUNCTIONS. (Became law upon ratification, October 3, 2002–S.L.-2002-138.)

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H.B. 1720, AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, October 3, 2002-S.L.-2002-139.)

SPECIAL MESSAGES 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. 1805, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PHILIP PITTMAN GODWIN, SR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

A message received 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. 1455 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GENERAL STATUTES COMMISSION AND OTHER INTERESTED PARTIES TO STUDY THE PROVISIONS OF SENATE BILL 1455, 4TH EDITION, STRENGTHEN SECURITIES FRAUD ENFORCEMENT LAWS, INTRODUCED IN THE 2001 GENERAL ASSEMBLY, AND TO MAKE RECOMMENDATIONS TO THE 2003 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY; TO INCREASE CERTAIN FILING AND RENEWAL FEES WITH THE SECRETARY OF STATE; TO FUND ADDITIONAL SECURITIES INVESTIGATOR POSITIONS; TO PROHIBIT THE STATE FROM CONTRACTING WITH BUSINESSES THAT HAVE ANY OFFICERS OR DIRECTORS WHO HAVE BEEN CONVICTED OF SECURITIES FRAUD; TO PROHIBIT THE STATE FROM CONTRACTING WITH VENDORS THAT ARE INCORPORATED IN A TAX HAVEN COUNTRY BUT THE UNITED STATES IS THE PRINCIPAL MARKET FOR THE PUBLIC TRADING OF THEIR CORPORATION'S STOCK; AND TO AUTHORIZE THE STATE TREASURER, IN CONSULTATION WITH THE SECRETARY OF STATE, AND THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CREATION OF A PENSION ASSURANCE FUND TO PROTECT THE RETIREMENT SAVINGS AND INVESTMENTS OF THE CITIZENS OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill No. 2.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill No. 2 is placed on today's Calendar.

Without objection, upon motion of Senator Soles, 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.)

CALENDAR *(continued)*

H.J.R. 1805, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PHILIP PITTMAN GODWIN, SR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES, placed earlier on today's Calendar.

Upon motion of Senator Swindell, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the Senators memorializing Philip Pittman

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Godwin, Sr., former Speaker of the House of Representatives, are spread upon the Journal, as follows:

Senator Basnight:

“Philip Godwin loved the State of North Carolina and the people of the State and gave so much. He most especially cared for those in his home county of Gates. I became a friend of Representative Godwin or Speaker Godwin when he served on the Board of Transportation under the Martin Administration and it was at that time I realized the power of his commitment to a very poor region of the State, Senator Ballance. He wanted the people of his county that he represented and the district on the State Board of Transportation to receive their fair share and that is something that had not been happening in that community or that region of the State up to that point in time and even to today. We have Governors and others who speak very eloquently about the two North Carolinas. Where Philip Godwin lived is the second North Carolina. It borders the Virginia line. It has very little industry but a great beauty. He loved its State Park. He fought for appropriations and recognition. He was part of the fabric of the community. The great dismal swamp, of which Gates County is a portion of as Pasquotank and Camden County are as well, helped develop North Carolina’s earlier history and he spoke of that and what it meant to live in the conflict with nature. He had a little small house on the back of this swamp, on the edges, the fringes of it and it was there that he fed wildlife and sort of enjoyed his later years of life. It was a little trail not so much a little more than a path that would take you to this and it wandered down where the water and the stream flowed. He found a great deal of peace there but it was part of him, it was part of the natural part of what he was. It was there on the little porch or the front of that cottage one day or that little camp, that he told me that it was important that you take care of the smaller people and he was speaking of smaller counties, Gates obviously being one of those, and not get too big headed and not just look for the prestige that can be found in the papers in the more prosperous areas. He also told me, ‘Don’t let people influence you too much, people with deep pockets’, he would say. Don’t let the lobbyists control your vote. He was a very conservative man and he had come up in a very tough time of our history and he had worked his way through life and he was willing to give back to others. He never left his small town, he stayed there to practice law and to help develop the opportunities for others. He always had a quick line and a happy face about himself, but he is one of the pioneers of change for that region of our State. There will be others that follow behind him. He leaves behind a wonderful family and a great legacy. He was the only Speaker of the House we’ve ever had from that region, I believe. He is probably known some for his opposition to communism, the Speaker Ban, more so than the better works of what he did. He loved this Country. He loved it as much as any of us here today. We’ll certainly miss you, others as well. To the family, thank you for letting North Carolina have Philip Godwin.”

Senator Ballance:

“I represented Gates County beginning in 1988 and I had known Speaker Godwin prior to that time, because in the practice of law, I did not know him in this Body, but in the practice of law I got an opportunity to go to Gatesville and to be at the Gates County Courthouse and his office was two doors away from the Courthouse, from the new Courthouse and right across the street from the old Courthouse where you and I, Mr. President, met down there several years ago about historic preservation of that Courthouse. Whenever I would campaign in Gates County, you’re right, Phil Godwin was known as a very conservative person but I was always received well by him and his son, Pitt they call him, Phil junior, who is also an attorney who practices in Gatesville. I had many good conversations with Speaker, the late Phil Godwin, and when I read in the

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News and Observer that he was being funeralized I had not gotten word about his death, but I made time to drive down to Gatesville because I remembered that he was a prominent politician from my district and from that region of the State. He was, I view him sort as one of the last of a breed of strong political figures, put him in with J. J. (Monk) Harrington and Kenneth Royall and Billy Watkins, people who at that time worked and served in this Body. I am proud to speak briefly on behalf of this resolution.”

Senator Soles:

“Thank you Mr. President and Ladies and Gentleman of the Senate. It was my honor to serve in the House of Representatives when Speaker Godwin was the Speaker. The resolution says that he was the Speaker of the House from 1969 to 1972 and I served there from 1969 through 1977. So I was there all the time he was the Speaker. He and I had many things in common. I represented a small rural part of North Carolina that was joining the South Carolina line and he had the same type counties joining the Virginia line and we’d often talk back and forth about the needs and how our areas lagged behind. I also remembered that he and I both lived at the same hotel and his room was next to mine and we’d have lots of time to talk there and he was extremely helpful to me. He never was too busy to take time for the smallest person or the most fresh person in the Legislature and he always gave good advice and it was my honor to have the opportunity to serve with him.”

Senator Lee:

“Mr. President, I met Phil in 1969. It was the year that I was elected Mayor and he, of course, was Speaker and I came over and was introduced to him. I had not known him up to that time and then worked very closely because I had to work to get some legislation through the Legislature and Speaker Godwin was always a gentleman, always warm and respectful. I had the privilege of serving with him on the Board of Trustees at Wake Forest and he really thought highly of that school and I was delighted to have been honored with that privilege. I think he was one of the fine politicians of this State, a man who was a wonderful model of productivity and I am delighted to have had the privilege to get to know him.”

The joint resolution passes its second reading by voice vote and third reading with members standing, and is ordered enrolled.

S.B. 1455 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GENERAL STATUTES COMMISSION AND OTHER INTERESTED PARTIES TO STUDY THE PROVISIONS OF SENATE BILL 1455, 4TH EDITION, STRENGTHEN SECURITIES FRAUD ENFORCEMENT LAWS, INTRODUCED IN THE 2001 GENERAL ASSEMBLY, AND TO MAKE RECOMMENDATIONS TO THE 2003 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY; TO INCREASE CERTAIN FILING AND RENEWAL FEES WITH THE SECRETARY OF STATE; TO FUND ADDITIONAL SECURITIES INVESTIGATOR POSITIONS; TO PROHIBIT THE STATE FROM CONTRACTING WITH BUSINESSES THAT HAVE ANY OFFICERS OR DIRECTORS WHO HAVE BEEN CONVICTED OF SECURITIES FRAUD; TO PROHIBIT THE STATE FROM CONTRACTING WITH VENDORS THAT ARE INCORPORATED IN A TAX HAVEN COUNTRY BUT THE UNITED STATES IS THE PRINCIPAL MARKET FOR THE PUBLIC TRADING OF THEIR CORPORATION'S STOCK; AND TO AUTHORIZE THE STATE TREASURER, IN CONSULTATION WITH THE SECRETARY OF STATE, AND THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CREATION OF A PENSION ASSURANCE FUND TO PROTECT THE

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RETIREMENT SAVINGS AND INVESTMENTS OF THE CITIZENS OF NORTH CAROLINA, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill No. 2 and the measure is ordered enrolled and sent to the Governor.

PERSONAL PRIVILEGES

Upon motion of Senator Dannelly, the remarks for, by, and about the departing Senators, are spread upon the Journal, as follows:

Senator Cunningham:

"I didn't want to make these remarks when we were speaking of Speaker Godwin, because I certainly did not know him. I had occasion earlier today to look through Senator Henson Barnes' *Work in Progress: The North Carolina Legislature*, again. To contextualize, to put into perspective the interesting times that we've had here in the Legislature in the last two years, an old Chinese proverb says, 'May you live in interesting times.' It certainly has been a terrific personal honor. As we were reflecting on the Speaker, I flipped to thirty years ago and what the Legislature was doing when the Speaker was Speaker. That was the first time that the Legislature ever had a short session. I am sure it was part of the Speaker's wisdom to see that the economy of North Carolina times were changing so rapidly that we could put together a budget in one year and the economy would dip, it would have a recession or something of that nature, and we'd have to come back and fix it the next year. That was the first time, 1972, was the first short session, thirty years ago. Interestingly enough, in that same short session, the Legislature voted to enlarge North Carolina's kindergarten program which sounds, of course, familiar as we have debated pre-kindergarten this time. It was also the first time in that session, the first time since 1933, that the State sales tax was raised as the State Legislature transferred to local government the authority to raise the sales tax by one penny in order to help out with local government needs. It was at times in that session when, for the first time, North Carolina's Legislature decided that it needed a professional staff. I particularly think of the important role that professional staff has played in our experience here in making possible those bills that were just put on the clerk's desk. I guess, though we have struggled mightily in these two years to keep our State on path to prepare for the future, many of these issues have been dealt with before. So earlier, I flipped back to what was happening two hundred years ago this year in North Carolina's Legislature. In 1802, Senator Kinnaird and Senator Kerr would be interested to know that was the first year that North Carolina ever directly appropriated money to recruit jobs to North Carolina. They did it in part by signing a contract for one of Eli Whitney's cotton gins so that the eastern part of the State where so much cotton was being grown could develop. I would encourage any of you to take the opportunity to take a look back at the many years of history of this State, the wonderful things, the contributions that so many of those who have come before us have made. It helps each of us that our time here is very fleeting but the contributions and work are lasting and are important in making North Carolina the great place that it is. Thank you Mr. President."

Senator Basnight:

"I'd like to thank each and everyone of you who will not be returning individually but I don't know what has been said up to this point in time. I do understand that there have been some words of some thanks to Senator Martin and Senator Lee. But to Senator Harris and Senator Lee and Senator Moore and Senator Martin and Senator Ballance and Senator Cunningham, you are a big part of our family and you are what makes the State

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become successful or what makes it in part become not what we would want it to be, were you not here. Senator Harris, I knew you earlier on from our relationship on the Board of Transportation and understood very well your commitment to our transportation system but I didn't fully understand the values that you stood for until you came here. The values of life, family, and religion and the important part it plays in your life. Your willingness to get on a truck and drive to Indiana over a weekend just recently with one of your clients, one of the people you work with and for because he gives so much in your community. He is one of the major employees in your community and you wanted to be with him and bond with him, to plan and think for better days in Harnett County. You are truly going to be missed sitting in that chair and the colorful dress that you can bring to this Body from time to time. I asked Oscar one day, I said, 'Why, why such a baldhead? You could have a transplant or maybe a snippy little hair piece.' He said, 'I did this for a friend of mine who had lost his hair in radiation or chemotherapy.' That is the kind of man he is. That's why you saw the change in Oscar from one day to the next, the visual change not the inner change, not the love for his fellow man that he carries. I was with Oscar the other day in Harnett County and the people there love him a great deal and when you are in a Member's home district, you'd better understand what he means to others. Oscar, you have shown me a lot as you do all members of this Body.

"Senator Lee, I'll never be able to repay you for what you have done for me, my county, the people that I live with and I am surrounded with and what you have done for this State and our University System as well public education and people who cannot help themselves, as well as business and industry and all of us. You have made it a greater place to live. But your knowledge of our State and the reasons why we make the decisions that we make to better the opportunities for others have helped mold and shape me. Your friendliness and kindness to me and my family, and my friends, and my community can never be forgotten. When you were Secretary of Natural Resources you came to help us on dredging projects when no one else was helping. It was a very poor area of our community that you assisted and you recognized it ever so quickly. We had been years in lobbying Raleigh for help and until you came that day, we had no success. People still ask about you today. I know that the schools that you love so much would not, to this day, have the kind of graduates that we do have had it not been for your appearance in this building. I know, probably as well as anyone, that our bond package would not have occurred had it not been for your commitment that strengthened the support for that particular package that we're now enjoying today. You have a beautiful wife, a beautiful family, and wonderful children and we are all better people because of you. To me, I don't have a better friend in this Chamber than you. Better than that, I don't know if I have a better friend in this State than you. But I think we all feel that way. You are pretty special.

"Bill Martin, I roomed next to Bill. When I say I roomed next to him, it is because it seemed like I was trying always to catch-up when I first came to the North Carolina Senate. They moved me to a room, temporarily, and Bill Martin was in that room and I'd work late at night, but boy you could not work later than Bill Martin could work. He always was there to help me understand why we did certain things, which was very confusing to me. He never hesitated to help someone who was smaller. That has had an impact on me today, on others and when I say myself, it never means to be I. It means to be us and we. I understood, or thought so, that we were all created equal because the Word said so and I was taught that. But I didn't fully understand it until I better understood you, that we truly are equal. You made me realize that in the terms that we all should understand. Not just the verbiage, but to live that belief. You'll continue to give and make your contributions because you never sleep. Thank you, Bill Martin.

"Senator Ballance, you and I have recognized each other pretty easily so because we pretty much have the same geography except for the ocean. We have the same people, all

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in need, all striving to do better, all looking for a better day. We have a mixture of people in the district that Frank and I shared. He had part of Bertie County, I had a part of Bertie County, I had Gates one time and he had Gates one time. We represented, in general, people who did not have a great deal. Frank never found a bad or evil word for people and he was known for that through our community and I wanted to be like Frank. Frank came to the Senate after I came to the Senate but Frank helped show me a better way to do business with people. Frank you led this Senate in these past years and many of us have tried to mimic what you are. In fact, I don't know one of us who has not in some way or another looked at Frank when he spoke at just the right time on the Senate floor, just when we were in the greatest of need to calm this Body and this Chamber. That makes me a better person. Frank Ballance you are going to keep leading and as I said earlier today, boy would I love to see him Speaker of the House of the United States Congress. You would not have a fairer man and you would not have a better man. Thank you, Frank.

"You are more like my son, Senator Cunningham. Spend enough time around here and you get a little older. I don't know if I am wise enough to speak the kind of language and work the words as well as you do. I wish you had a lot more time here, we all do. But I think there is a reason for this. I can't tell you exactly what it is yet, but your place in this political community and this place of giving are not found yet. Your talents and your abilities, you as a person, is what I would hope will lead our State. You are one of those people who have those talents. I thank you very much and wish you Godspeed with your beautiful family and your little Caroline.

"Senator Moore, you're still busy. He brought a lady up to the podium today and she possibly, I don't want to talk out of place, there is a small possibility that this person he brought here maybe will relocate a major business enterprise in our State. Haven't quit working have you? Won't quit working either. You are a person of great talents and a person willing to stand on your feet and ask questions and find out reasons why we do certain things and to be certain that we end up at the end of the day better by what we have done. We are very fortunate to have you and our paths will surely cross again.

"Thank you, each and every one of you. You are very special, you are part of our Senate, and you're part of our family. We all leave at one time or another. God Bless."

Senator Lee:

"Mr. President, I didn't plan to be standing here in this position tonight. This year has been an interesting year, but in some ways it mimics life. I was thinking back earlier today that when the filing date first ended, it was the first time in my entire political life when I thought that I would have a walkover without any opposition. Little did I know that things would change so drastically that I would be walking out. But that is life. We have no way of knowing what the next day will bring but we're always able to meet the challenge in ways that help us recognize that there may be greater opportunities farther out and so we gain strength from that. I look to my left here to show you how fragile life is and I remember my colleague and our long-time friend, Luther Jordan, who sat here in this seat at the beginning of this session and had no idea he had a problem. He lost not a small campaign like I did, but the big campaign, and Luther is not with us and so what do I have to be sad about. I do feel a sense of loss of leaving what I considered to be a family, all of you in this Body and this Chamber, because we bond. We have our differences, we talk at each other and over each other but we still have a special love and caring for each other and I think that is what makes this Chamber and this Body so special. But I can tell you tonight I am at peace. I am at peace because I have had six good years to work with Senator Basnight as our leader, and to work with all of you in the Chamber to bring into existence some landmark educational legislation that will serve generations yet unborn and I am delighted to have been a part of that. I am at peace because I ran the best campaign that I have ever run in my entire political life and there is nothing else that I

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could have done or would have done differently and so I am at peace with that. But I really wanted to rise to say to Marc Basnight, whom I consider to be a very, very special person, the first time we met in the 70's, we connected almost immediately and the friendship began to blossom and has grown. What a delight it has been for me and what a learning experience it has been for me to be able to engender his trust and confidence as a leader in education, as an appropriations chair, and to have the chance to represent all of you in those capacities but always with his encouragement, always with his support, and Marc, I wanted to stand and express my deep appreciation to you. Now let me make it very clear, I am not dying, I don't think. I am not dead, I am not going anywhere. I fully expect that there will be opportunities for me to continue to serve. I will put some distance between the Legislature and me for a few weeks. I'll get out and try and raise some money so I can pay off my debts, Frank. You don't know anything about that do you? And then I certainly hope there will be an opportunity for me to continue to serve, but I have also made another decision. If, in the process of my travels, I happen to find myself in a jungle and Judge Knox Jenkins in a fight with a bear, I have decided that I ain't helping Knox Jenkins. I am going to help the bear!"

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message received 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. 1217 (House 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; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, for concurrence in the House Committee Substitute bill as amended.

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

Upon motion of Senator Clodfelter, the Senate fails to concur in the House Committee Substitute bill, as amended. Senator Clodfelter offers a motion that conferees be appointed, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1217 (House 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; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill, as amended, for **S.B. 1217** earlier today, and the motion by Senator Clodfelter to appoint conferees having prevailed, Senator Rand announces the appointment of Senator Clodfelter, Chair; Senator Lee; Senator Rand; Senator Hoyle; Senator Metcalf; Senator Hartsell; 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 and requesting conferees.

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The Senate recesses at 9:05 P.M. to reconvene at 9:30 P.M.

RECESS

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

ENROLLED BILLS

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

S.B. 1281, AN ACT TO CLARIFY TORT CLAIM AND DUTY TO DEFEND EMPLOYEES LIABILITY OF OCCUPATIONAL LICENSING BOARDS; TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE REAL ESTATE COMMISSION; TO AUTHORIZE THE BOARD OF LANDSCAPE ARCHITECTS TO RETAIN PRIVATE COUNSEL; AND TO REQUIRE PROFESSIONAL EMPLOYER ORGANIZATIONS TO REGISTER WITH THE DEPARTMENT OF INSURANCE.

S.B. 1455, AN ACT TO AUTHORIZE THE GENERAL STATUTES COMMISSION AND OTHER INTERESTED PARTIES TO STUDY THE PROVISIONS OF SENATE BILL 1455, 4TH EDITION, STRENGTHEN SECURITIES FRAUD ENFORCEMENT LAWS, INTRODUCED IN THE 2001 GENERAL ASSEMBLY, AND TO MAKE RECOMMENDATIONS TO THE 2003 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY; TO INCREASE CERTAIN FILING AND RENEWAL FEES WITH THE SECRETARY OF STATE; TO FUND ADDITIONAL SECURITIES INVESTIGATOR POSITIONS; TO PROHIBIT THE STATE FROM CONTRACTING WITH BUSINESSES THAT HAVE ANY OFFICERS OR DIRECTORS WHO HAVE BEEN CONVICTED OF SECURITIES FRAUD; TO PROHIBIT THE STATE FROM CONTRACTING WITH VENDORS THAT ARE INCORPORATED IN A TAX HAVEN COUNTRY BUT THE UNITED STATES IS THE PRINCIPAL MARKET FOR THE PUBLIC TRADING OF THEIR CORPORATION'S STOCK; AND TO AUTHORIZE THE STATE TREASURER, IN CONSULTATION WITH THE SECRETARY OF STATE, AND THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CREATION OF A PENSION ASSURANCE FUND TO PROTECT THE RETIREMENT SAVINGS AND INVESTMENTS OF THE CITIZENS OF NORTH CAROLINA.

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 1805, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PHILIP PITTMAN GODWIN, SR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES. (Res. 17)

Upon motion of Senator Rand, seconded by Senator Miller, the Senate adjourns at 11:59 P.M. to meet tomorrow, Friday, October 4, at 12:01 A.M.

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TWO HUNDRED FORTY-SECOND DAY

Senate Chamber
Friday, October 4, 2002

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 Honorable William N. Martin, Senator from Guilford County as follows:

"Lets us be in a moment of prayer. Our Father we ask that you convey your presence on this General Assembly and enable us in these last waning moments of this session to continue to do those things that you find pleasing in the service of your kingdom and the service of mankind and let us continue to carry forth that spirit in future deliberations. In Jesus' name we pray, Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Ballantine, Senator Berger, Senator Carrington, Senator Carter, Senator Clark, Senator Forrester, Senator Garwood, Senator Martin of Pitt, Senator Odom, Senator Robinson, Senator Rucho, Senator Shaw of Guilford and Senator Warren.

Senator Rand announces that the Journal of Thursday, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
October 3, 2002

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 1217, 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; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, and requests conferees, the Speaker appoints:

Representative Culpepper, Chair;
Representative Baddour
Representative Hackney, and
Representative Redwine

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

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special Messages are received from the House of Representatives transmitting bills for concurrence, presented to the Senate, read the first time, and disposed of, as follows:

S.B. 1283 (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.

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.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill and the measure is ordered enrolled and sent to the Governor by special message.

S.B. 98 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND EXTEND VARIOUS STUDY COMMITTEES AND COMMISSIONS, AND TO AUTHORIZE OR DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, for concurrence in the House Committee Substitute bill, as amended.

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

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill, as amended, and the measure is ordered enrolled and sent to the Governor by special message.

The following special message is received from the House of Representatives:

House of Representatives
October 4, 2002

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 1217, 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; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

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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

CONFERENCE REPORT

Senator Clodfelter for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1217** (House 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; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE 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 Senate Bill 1217, 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; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, House Committee Substitute Favorable 10/3/02, submit the following report:

The House and Senate agree to the following amendments to the House Committee Substitute, Fourth Edition 10/3/02, as amended, and the Senate concurs in the House Committee Substitute as amended:

on page 14, line 41, through page 15, line 8, by deleting the lines; and

on page 16, line 6, by rewriting the line to read:

"**SECTION 18.** This act become effective ~~December 1, 2002~~ January 1, 2003."; and

on page 28, lines 13 through 19, by deleting the lines; and

on page 32, line 25 through 30, by rewriting the lines to read:

"**SECTION 46.** G.S. 143B-289.44 reads as rewritten:
"**§ 143B-289.44. North Carolina Aquariums; fees; fund.**

...
(b) Fund. – The North Carolina Aquariums Fund is hereby created as a special and nonreverting fund. The North Carolina Aquariums Fund shall be used for repair, renovation, expansion, maintenance, educational exhibit construction, and operational

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expenses at existing aquariums and to match private funds that are raised for these purposes.

(c) Disposition of Fees. – All entrance fee receipts shall be credited to the North Carolina Aquariums Fund. ~~The Secretary of Environment and Natural Resources may expend monies from the North Carolina Aquariums Fund only upon the authorization of the General Assembly.~~

...."; and

on page 49, line 7, by rewriting the line to read:

"State, except that it may be implemented at an earlier date in any county by the Register of Deeds of that county."; and

on page 49, lines 16 through 18, by rewriting the lines to read:

"SECTION 64.(c) G.S. 133-3, as amended by Section 5 of S.L. 2002-107, reads as rewritten:"; and

on page 49, line 38 through page 50, line 5, by rewriting the lines to read:

"limit competitive bidding on future works. Specifications may list one or more preferred brands as an alternate to the base bid in limited circumstances. Specifications containing a preferred brand alternate under this section must identify the performance standards that support the preference. Performance standards for the preference must be approved in advance by the owner in an open meeting. Any alternate approved by the owner shall be approved only where (i) the preferred alternate will provide cost savings, maintain or improve the functioning of any process or system affected by the preferred item or items, or both, and (ii) a justification identifying these criteria is made available in writing to the public. Substitution of materials, items, or "; and

on page 53, line 19, by rewriting the line to read:

"SECTION 70.5.(a) Section 7.44 of S.L. 2002-126 reads as rewritten:"; and

on page 53, lines 27 and 28, by inserting between the lines the following:

"SECTION 70.5.(b). This section applies only to the extent that and at such times as it is necessary to receive and retain funds as part of the federal Reading First Grant. This section expires at the time that the federal Reading First Grant expires. In the event that the State is not awarded funds as a part of the federal Reading First Grant, the Department shall not continue to implement Section 7.44 of S.L. 2002-126, as rewritten by this section."; and

on page 59, lines 7 through 10, by deleting the lines; and

on page 59, lines 28 and 29, by inserting the following new sections to read:

"SECTION 91.1. Nothing in the General Statutes or any local act entitles any charter school, prior to July 1, 2003, to recover retroactively any funds from penalties, fines, and forfeitures or supplemental school taxes.

SECTION 91.2. Section 11.1(a) of S.L. 2002-126 is repealed.

SECTION 91.3. Notwithstanding the provisions of S.L. 2002-126, the provisions of Section 4 of Chapter 589 of the 1995 Session Laws remain in effect and the Judicial Department shall use the sum of thirty-eight thousand one hundred thirty-two dollars (\$38,132) in funds available to the Department to continue a superior court judicial assistant position in Superior Court District 19B. That position is currently assigned to a

October 4, 2002

regular superior court judge, but in the event that the position becomes vacant, it shall be reassigned to the senior resident superior court judge."; and

by deleting Amendments 1, 3 and 4.

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

Date Conferees approved report: October 4, 2002.

S/Daniel G. Clodfelter, Chair
S/Tony Rand
S/Wib Gulley
David W. Hoyle
S/Stephen M. Metcalf
S/Fletcher L. Hartsell, Jr.
Howard N. Lee

S/Bill Culpepper, Chair
S/Philip A. Baddour, Jr.
S/Joe Hackney
S/David Redwine

Conferees for the Senate

*Conferees for the
House of Representatives*

With unanimous consent, 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.

Pursuant to the message received from the House earlier today that the House has adopted the Conference Report, the President *Pro Tempore* orders the Conference Report enrolled and sent to the Governor by special message. 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 received from the House of Representatives transmitting a joint resolution for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.J.R. 1478 (House Committee Substitute), A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY, for concurrence in the House Committee Substitute joint resolution, as amended.

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

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute joint resolution, as amended, and the measure is ordered enrolled.

ENROLLED BILLS

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

S.B. 1283, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE

October 4, 2002

SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS.

S.B. 98, AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND EXTEND VARIOUS STUDY COMMITTEES AND COMMISSIONS, AND TO AUTHORIZE OR DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES.

S.B. 1217, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1478, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY. (Res. 18)

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. 1136, AN ACT TO INCREASE THE ACREAGE LIMITATION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF MARVIN, AND TO MAKE A SATELLITE ANNEXATION TO THE TOWN OF BRUNSWICK. (Became law upon ratification, October 3, 2002–S.L.-2002-140.)

H.B. 1640, AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY; TO ESTABLISH A NO-WAKE ZONE IN BERTIE COUNTY; AND TO ALTER THE COMPOSITION OF THE DARE COUNTY TOURISM BOARD. (Became law upon ratification, October 3, 2002–S.L.-2002-141.)

H.B. 1651, AN ACT TO REGULATE HUNTING IN PITT COUNTY. (Became law upon ratification, October 3, 2002–S.L.-2002-142.)

Senator Rand offers a motion pursuant to **S.J.R. 1478**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF

October 4, 2002

THE GENERAL ASSEMBLY (Res. 18) that the Senate adjourn *sine die*, seconded by all members present, which motion prevails, with unanimous consent.

The President *Pro Tempore* orders a message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to adjourn *sine die*.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
October 4, 2002

Madame President:

It is ordered that a message be sent your Honorable Body respectfully advising that in accordance with House Committee Substitute for SJR 1478, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY, the House of Representatives has concluded the public business before it and stands ready to adjourn.

Upon receipt of a message from your Honorable Body that the Senate is ready to open its doors, the doors of the House shall be open to the end that the gavels may fall simultaneously and adjournment may be declared *sine die*.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the message that the House of Representatives has concluded the business before it, and having notified that Honorable Body that the Senate has completed the business before it, the President *Pro Tempore* declares that the Senate stands ready for adjournment *sine die*.

The President *Pro Tempore* orders the doors of the Senate opened and the Speaker of the House of Representatives is perceived ready to let the gavel fall.

The motion heretofore offered by Senator Rand, seconded by all members present having prevailed, the President *Pro Tempore* of the Senate, The Honorable Marc Basnight, declares the Senate of the 2001 General Assembly adjourned at 3:31 A.M. *sine die*.

BEVERLY E. PERDUE
President of the Senate

JANET B. PRUITT
Principal Clerk

October 4, 2002

**TWO HUNDRED FORTY-THIRD DAY
2002 SESSION RECONVENED**

Senate Chamber
Wednesday, November 13, 2002

In accordance with law, as set forth in the Constitution of the State of North Carolina, and pursuant to the Proclamation issued by the Governor, The Honorable Michael F. Easley, on November 11, 2002, the Senate of the 2002 Session of the 2001 General Assembly reconvenes at the hour of 1:30 P.M. in the Senate Chamber in the Legislative Building in the City of Raleigh.

The President of the Senate, The Honorable Beverly E. Perdue calls the Senate to order.

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

"Gracious God, the more we think we have this session of the legislature figured out, the more we learn about our inability to do just that.

"On this Wednesday afternoon we can proclaim with absolute certainty your bountiful and merciful love for us no matter what time it is, where we are, or what we are up to. Need we ask for something more constant and of more assurance than that? Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, 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.

PROCLAMATION FROM THE GOVERNOR

The Honorable Beverly Eaves Perdue, Lieutenant Governor instructs the Reading Clerk to read the Proclamation issued by Governor Michael F. Easley, on November 11, 2002, as follows:

PROCLAMATION OF RECONVENED SESSION

Pursuant to the authority vested in the Governor by Article III, Section 5 (11) of the Constitution of North Carolina and as required by Article II, Section 22 (7), the General Assembly shall reconvene on **November 13, 2002** at 1:30 p.m. to reconsider Senate Bill 1283 which was vetoed on November 3, 2002.

Done in Raleigh, North Carolina, on November 11, 2002

(Seal)

Michael F. Easley
Governor

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
November 13, 2002

November 13, 2002

Madame President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives is reconvened and is now ready to proceed with the public business of the State.

Pursuant to a Proclamation issued by Governor Michael F. Easley on November 8, 2002, Carolyn Justus has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2001 General Assembly. Representative Justus has been seated to fill the vacancy created by the death of Representative Larry T. Justus from the Fiftieth District.

Respectfully,
Denise Weeks
Principal Clerk

ADOPTION OF RULES

The President recognizes Senator Rand who submits Senate Resolution 1479 which is read and disposed of as follows:

By Senator Rand:

S.R. 1479, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE RECONVENED 2001 REGULAR SESSION OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, the resolution is placed before the Senate for immediate consideration, upon adoption.

The text of Senate Resolution 1479 is as follows:

A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE RECONVENED 2001 REGULAR SESSION OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate:

SECTION 1. The permanent rules of the 2001 Regular Session, with the following amendments, are the rules governing the Reconvened 2001 Regular Session of the General Assembly:

Rule 40.1. Limitation on resolutions and bills.

The only resolutions that may be introduced or considered in the Senate are resolutions adjourning the Reconvened Session sine die. As provided by the Constitution, no bill may be considered in the Senate other than Senate Bill 1283, 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. This rule may not be suspended.

Rule 59. (Reserved).

SECTION 2. This resolution is effective upon adoption.

Upon motion of Senator Rand, Senate Resolution 1479 is adopted.

November 13, 2002

VETO MESSAGE FROM THE GOVERNOR

The following veto message received from Governor Michael F. Easley, on November 3,



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

Governor's objections and Veto Message

Senate bill 1283, "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."

Following adjournment of the legislative session, information has become available to the appointing authorities that several of the appointments, under the bill, to either new, expanded or existing boards and commissions do not meet the statutory requirements necessary to serve on the boards or commission to which they were appointed. Two of the appointments are discussed, and at least five of the appointments are not qualified for other reasons, principally because they do not meet the statutory requirements for appointment or they have conflicts that statutorily prohibit their appointment. In addition, the bill mistakenly makes six appointments that are required to be made by the Governor.

Therefore, I veto this bill.

The bill, having been vetoed, is returned to the Clerk of the Senate on this 3rd day of November, 2002 at 2:40 p.m. for reconsideration by that body.

M. Easley

The following is a typed transcript of the Governor's veto message.

State of North Carolina
Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301

Governor's objections and Veto Message

November 13, 2002

S.B. 1283, 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.

Following adjournment of the legislative session, information has become available to the appointing authorities that several of the appointees, under the bill, to either new, expanded or existing boards and commissions do not meet the statutory requirements necessary to serve on the board or commission to which they were appointed. Two of the appointees are deceased, and at least five of the appointees are not qualified for other reasons, principally because they do not meet the statutory requirements for appointment or they have conflicts that statutorily prohibit their appointment. In addition, the bill mistakenly makes six appointments that are required to be made by the Governor.

Therefore, I veto this bill.

The bill, having been vetoed, is returned to the Clerk of the Senate on this 3rd day of November, 2002 at 2:40 p.m. for reconsideration by that body.

s/Michael F. Easley

The bill and the veto message are referred to the **Rules and Operations of the Senate Committee**.

INTRODUCTION OF A JOINT RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1480, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE RECONVENED SESSION

Upon motion Senator Rand, the rules are suspended, without objection, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives by special message.

ENROLLED BILL

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1480, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE RECONVENED SESSION. (Res. 19)

Senator Basnight offers a motion pursuant to S.J.R. 1480 (Res. 19) that the Senate sitting in reconvened Session 2002 adjourn *sine die*, seconded by Senator Plyler, which motion prevails with unanimous consent.

A message is ordered sent to the House of Representatives informing that Honorable Body that the Senate has concluded its business and is adjourning *sine die*.

November 13, 2002

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
November 13, 2002

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives has concluded the public business before it and pursuant to SJR 1480, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE RECONVENED SESSION, is adjourning sine die.

Respectfully,
Denise Weeks
Principal Clerk

The motion by Senator Basnight, seconded by Senator Plyler, that the Senate sitting in reconvened Session 2002 adjourn *sine die* having prevailed, the President of the Senate declares the Senate adjourned at 2:45 P.M. *sine die*.

BEVERLY E. PERDUE
President of the Senate

JANET B. PRUITT
Principal Clerk

November 13, 2002

ADDENDUM

SENATE JOURNAL

2001 SESSION

SECOND SESSION

2002



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 vote 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 2002 Session adjourned on October 4:

H.B. 1040, AN ACT RELATING TO THE TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS SECOND TIER BENEFIT QUALIFICATION FOR NORTH CAROLINA. (Became law upon approval of the Governor, October 4, 2002–S.L. 2002-143.)

H.B. 1105, AN ACT TO FUND THE OPERATIONS OF THE DEPARTMENT OF INSURANCE FOR THE FISCAL YEAR 2002-2003 THROUGH THE INSURANCE REGULATORY FUND BY EXPANDING THE PURPOSES FOR WHICH THE FUND MAY BE USED AND BY CREDITING VARIOUS FEES COLLECTED BY THE DEPARTMENT AND OTHER AGENCIES UNDER THE DEPARTMENT INTO THE FUND FOR FISCAL YEAR 2002-2003, AND TO RESTORE THE 2002-2003 BUDGET REDUCTIONS SUSTAINED BY THE DEPARTMENT OF INSURANCE. (Became law upon approval of the Governor, October 4, 2002–S.L. 2002-144.)

H.B. 348, AN ACT TO IMPROVE COMPLIANCE WITH THE TOBACCO ESCROW STATUTE. (Became law upon approval of the Governor, October 4, 2002–S.L. 2002-145.)

H.B. 1665, AN ACT TO AMEND TAX LAWS RELATED TO INTERSTATE AIR COURIERS AND TO AMEND THE WAGE STANDARD UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ACCOUNT FOR THE VALUE OF HEALTH INSURANCE TO PART-TIME JOBS. (Became law upon approval of the Governor, October 7, 2002–S.L. 2002-146.)

H.B. 1638, AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE ALE DIVISION WHEN INVESTIGATING ABC PERMIT APPLICANTS, LOCAL LAW-ENFORCEMENT AGENCIES ISSUING PRECIOUS METAL DEALER PERMITS, THE PRIVATE PROTECTIVE SERVICES BOARD, THE ALARM SYSTEMS LICENSING BOARD, THE BOARD OF LAW EXAMINERS, THE MEDICAL BOARD, THE STATE BOARD OF DENTAL EXAMINERS, THE BOARD OF PHARMACY, THE BOARD OF MORTUARY SCIENCE, THE REAL ESTATE COMMISSION, THE COMMISSIONER OF LABOR WHEN INVESTIGATING PRIVATE PERSONNEL SERVICE LICENSE APPLICANTS, THE STRUCTURAL PEST CONTROL COMMITTEE, AND CITIES WHEN INVESTIGATING TAXI LICENSE APPLICANTS AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, AND TO CONFORM SEX OFFENDER LAWS TO FEDERAL REQUIREMENTS. (Became law upon approval of the Governor, October 9, 2002–S.L. 2001-147.)

H.B. 1572, AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, October 9, 2002–S.L. 2002-148.)

S.B. 1211, AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE

PARKS SYSTEM, TO AUTHORIZE THE TRANSFER OF THIS PROPERTY TO DAVIDSON COUNTY FOR MANAGEMENT AS A PARK, AND TO ALLOW CERTAIN PUBLIC ENTITIES TO USE THE FIRE TOWER AT MOUNT JEFFERSON STATE NATURAL AREA FOR PUBLIC COMMUNICATIONS PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, October 9, 2002–S.L. 2002-149.)

S.B. 589, AN ACT TO PERMIT THE HIGHWAY USE OF OFF-ROAD VEHICLES USED IN AGRICULTURAL QUARANTINE PROGRAMS. (Became law upon approval of the Governor, October 9, 2002–S.L. 2002-150.)

H.B. 1518, AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, TO MODIFY THE CURRENT AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO AWARD DESIGN-BUILD CONTRACTS, AND CONCERNING CONTRACT REQUIREMENTS FOR IRON USED IN DOT PROJECTS. (Became law upon approval of the Governor, October 9, 2002–S.L. 2002-151.)

H.B. 1519, AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REFUSE TO ISSUE A CERTIFICATE OF TITLE FOR, AND TO REFUSE OR CANCEL THE REGISTRATION OF, A MOTOR VEHICLE OWNED BY A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD; TO CLARIFY THE DEFINITION OF INTERSTATE AND INTRASTATE MOTOR CARRIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DETERMINE THE SAFETY FITNESS OF INTRASTATE MOTOR CARRIERS; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PROHIBIT THE INTRASTATE OPERATIONS OF A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD. (Became law upon approval of the Governor, October 9, 2002–S.L. 2002-152.)

S.B. 1238, AN ACT TO ALLOW THE PURCHASE OF WITHDRAWN SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO CORRECT THE CALCULATION OF BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO PURCHASE WITHDRAWN SERVICE, AND TO INCREASE APPROPRIATIONS TO THE RETIREMENT SYSTEMS DIVISION. (Became law upon approval of the Governor, October 9, 2002–S.L. 2002-153.)

H.B. 1564, AN ACT TO PROVIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES WITH EXPLICIT AUTHORITY TO ASSESS A CIVIL PENALTY FOR A VIOLATION INVOLVING A VOLUNTARY REMEDIAL ACTION UNDER THE INACTIVE HAZARDOUS SITES PROGRAM CONDUCTED BY A PRIVATE ENVIRONMENTAL CONSULTING OR ENGINEERING FIRM AND TO EXPAND THE ENVIRONMENTAL PERMIT WAIVER AUTHORITY UNDER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, October 9, 2002–S.L. 2002-154.)

S.B. 1252, AN ACT TO AMEND THE LAND CONSERVATION STATUTES OF THE STATE OF NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, October 9, 2002–S.L. 2002-155.)

H.B. 1523, AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS. (Became law upon approval of the Governor, October 9, 2002--S.L. 2002-156.)

H.B. 1501, AN ACT CONCERNING UNLAWFUL ACCESS OR DAMAGE TO A GOVERNMENT COMPUTER OR CAUSING DENIAL OF SERVICE AFFECTING A GOVERNMENT COMPUTER. (Became law upon approval of the Governor, October 9, 2002--S.L. 2002-157.)

S.B. 1054, AN ACT TO ESTABLISH A NONPARTISAN METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES BEGINNING IN 2004; TO SET \$1,000 CONTRIBUTION LIMITS (\$2,000 FROM FAMILY MEMBERS) FOR JUDICIAL CAMPAIGNS BEGINNING IN 2004; TO ESTABLISH A PUBLIC CAMPAIGN FINANCING FUND THAT PROVIDES APPELLATE JUDICIAL CANDIDATES WHO AGREE TO CONTRIBUTION AND EXPENDITURE RESTRICTIONS WITH AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS BEGINNING IN 2004; TO SAFEGUARD CANDIDATES WHO OPT TO USE THAT SYSTEM BY PROHIBITING CERTAIN CONTRIBUTIONS TO THEIR OPPONENTS DURING THE TWENTY-ONE DAYS BEFORE AN ELECTION AND BY PROVIDING RESCUE MONEY WHEN THEY FACE LARGE EXPENDITURES BY OPPONENTS OR LARGE INDEPENDENT EXPENDITURES; TO PROVIDE A JUDICIAL VOTER GUIDE TO BE FINANCED BY THE FUND; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED BY THE STATE BOARD OF ELECTIONS ASSISTED BY AN ADVISORY COUNCIL; AND TO PROVIDE THAT THE FUND SHALL BE FINANCED BY METHODS INCLUDING A POSITIVE \$3 CHECK-OFF ON THE NORTH CAROLINA INCOME TAX AND A \$50 CONTRIBUTION BY ATTORNEYS WHEN THEY PAY THEIR PRIVILEGE LICENSE TAX. (Became law upon approval of the Governor, October 10, 2002--S.L. 2002-158.)

S.B. 1217, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; TO RESTORE THE DEFINITION OF FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE 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, October 11, 2002--S.L. 2002-159.)

H.B. 1777, AN ACT TO DELAY THE EFFECTIVE DATE OF CERTAIN ADMINISTRATIVE RULES GOVERNING SANITATION OF HOSPITALS, NURSING HOMES, REST HOMES, AND OTHER INSTITUTIONS; TO PROVIDE FOR A FIELD TEST OF THOSE RULES; TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT TEMPORARY AND PERMANENT RULES TO AMEND THOSE RULES; TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES GOVERNING LICENSING OF FAMILY CARE HOMES AND HOMES FOR THE AGED AND INFIRM; AND TO REQUIRE THE SECRETARY OF HEALTH AND HUMAN SERVICES AND THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO DEVELOP A PROCESS FOR EXPEDITING REVIEW OF REQUESTS FOR WAIVERS FROM RULES PERTAINING TO MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES. (Became law upon approval of the Governor, October 17, 2002--S.L. 2002-160.)

H.B. 623, AN ACT TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS. (Became law upon approval of the Governor, October 17, 2002–S.L. 2002-161.)

H.B. 1245, 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 AND TO MAKE STATEWIDE A LOCAL ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY, WHICH CURRENTLY APPLIES ONLY IN CRAVEN, NASH, AND PAMLICO COUNTIES. (Became law upon approval of the Governor, October 17, 2002–S.L. 2002-162.)

S.B. 866, AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT. (Became law upon approval of the Governor, October 17, 2002–S.L. 2002-163.)

S.B. 163, AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS LICENSURE ISSUES AND THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED. (Became law upon approval of the Governor, October 23, 2002–S.L. 2002-164.)

H.B. 1007, AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, October 23, 2002–S.L. 2002-165.)

H.B. 1641, AN ACT TO ADOPT THE PROVISIONS OF THE REVISED INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS AND TO PROVIDE FOR NORTH CAROLINA TO PARTICIPATE IN THE INTERNATIONAL PRISONER TRANSFER PROGRAM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF JUSTICE. (Became law upon approval of the Governor, October 23, 2002–S.L. 2002-166.)

H.B. 1215, AN ACT TO DIRECT UNITS OF LOCAL GOVERNMENT TO EVALUATE THEIR EFFORTS TO CONSERVE WATER, TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES GOVERNING WATER CONSERVATION AND WATER REUSE, TO ESTABLISH A GOAL TO REDUCE WATER CONSUMPTION BY STATE AGENCIES BY AT LEAST TEN PERCENT, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE WATER CONSERVATION AND WATER EFFICIENCY PROGRAMS IN THE STATE, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY METHODS TO FUND AND PROMOTE THE DEVELOPMENT OF GREEN POWER IN NORTH CAROLINA. (Became law upon approval of the Governor, October 23, 2002–S.L. 2002-167.)

S.B. 1281, AN ACT TO CLARIFY TORT CLAIM AND DUTY TO DEFEND

EMPLOYEES LIABILITY OF OCCUPATIONAL LICENSING BOARDS; TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE REAL ESTATE COMMISSION; TO AUTHORIZE THE BOARD OF LANDSCAPE ARCHITECTS TO RETAIN PRIVATE COUNSEL; AND TO REQUIRE PROFESSIONAL EMPLOYER ORGANIZATIONS TO REGISTER WITH THE DEPARTMENT OF INSURANCE. (Became law upon approval of the Governor, October 23, 2002–S.L. 2002-168.)

H.B. 1307, AN ACT TO AMEND THE MORTGAGE LENDING ACT TO AUTHORIZE LICENSURE OF EXCLUSIVE MORTGAGE BROKERS UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE CRIMINAL HISTORY BACKGROUND CHECKS ON APPLICANTS AND LICENSEES UNDER THE MORTGAGE LENDING ACT, AND TO PROVIDE FOR THE APPROVAL OF EDUCATIONAL COURSES UNDER THE MORTGAGE LENDING ACT. (Became law upon approval of the Governor, October 23, 2002–S.L. 2002-169.)

H.B. 1516, AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION, AND TO REQUIRE THE BOARD OF TRANSPORTATION TO REDESIGNATE NC 136 IN IREDELL AND CABARRUS COUNTIES AS NC 3 TO HONOR DALE EARNHARDT. (Became law upon approval of the Governor, October 23, 2002–S.L. 2002-170.)

H.B. 1402, AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-171.)

H.B. 1734, AN ACT TO ESTABLISH AND MODIFY VARIOUS ECONOMIC INCENTIVE PROGRAMS FOR BUSINESS AND INDUSTRY; TO AMEND PROVISIONS RELATING TO INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING; TO AUTHORIZE PLANNING AND DEVELOPMENT FOR A BIOPHARMACEUTICAL TRAINING CENTER AND A CANCER REHABILITATION TREATMENT CENTER; AND TO MAKE TECHNICAL AND CONFORMING CHANGES. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-172.)

H.B. 1726, 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, October 31, 2002–S.L. 2002-173.)

S.B. 1443, AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO EMPLOYEE BENEFITS FOR SCHOOL EMPLOYEES, COMMUNITY COLLEGE EMPLOYEES, AND STATE EMPLOYEES IN JOB-SHARING AND PART-TIME POSITIONS. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-174.)

H.B. 1100, AN ACT TO PROVIDE CONSUMERS AND FINANCIAL INSTITUTIONS GREATER PROTECTION FROM FRAUDULENT FINANCIAL TRANSACTIONS. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-175.)

H.B. 1537, AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS AND TO AMEND THE REPORTING REQUIREMENT FOR THE PILOT PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION; (2) PROVIDE THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION MAY HOLD CONCURRENT OFFICES CONSISTENT WITH THE PROVISIONS OF THE CONSTITUTION OF NORTH CAROLINA; (3) AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO APPROVE GRANTS FOR SMALL WATERSHED PROJECTS RELATED TO DAM REHABILITATION AND IMPROVEMENT; (4) PROVIDE THAT MEMBERS OF THE ENVIRONMENTAL REVIEW COMMISSION WHO ARE NOT REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON THE COMMISSION; (5) PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS IN NORTH CAROLINA MAY RECEIVE FUNDS FROM THE CLEAN WATER REVOLVING LOAN AND GRANT FUND; (6) AUTHORIZE THE STATE INFRASTRUCTURE COUNCIL TO MEET IN THE LEGISLATIVE BUILDING AND LEGISLATIVE OFFICE BUILDING IN CERTAIN CIRCUMSTANCES; AND (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER FUNDS FROM THE GENERAL WATER SUPPLY REVOLVING LOAN AND GRANT ACCOUNT TO THE EMERGENCY WATER SUPPLY REVOLVING LOAN ACCOUNT IN ORDER TO ASSIST WATER SUPPLY SYSTEMS EXPERIENCING A DROUGHT EMERGENCY. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-176.)

S.B. 204, AN ACT TO ESTABLISH THE ROANOKE RIVER BASIN BI-STATE COMMISSION AND ROANOKE RIVER BASIN ADVISORY COMMITTEE. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-177.)

S.B. 1275, AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A

SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-178.)

H.B. 1508, AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM A TERRORIST INCIDENT USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS, AND TO AMEND THE NORTH CAROLINA HAZARDOUS MATERIALS EMERGENCY ACT TO PROVIDE FOR REGIONAL RESPONSES TO TERRORIST INCIDENTS. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-179.)

S.B. 98, AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND EXTEND VARIOUS STUDY COMMITTEES AND COMMISSIONS, AND TO AUTHORIZE OR DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-180.)

S.B. 832, AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL AGENCIES. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-181.)

H.B. 1313, AN ACT TO ESTABLISH THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING AND TO MAKE CONFORMING CHANGES TO CHAPTER 8B AND CHAPTER 143B. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-182.)

S.B. 910, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-183.)

S.B. 1161, AN ACT TO AMEND THE PRESENT-USE VALUE STATUTES, TO CREATE A PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE, TO CLARIFY THE SALES AND USE TAX EXEMPTION REGARDING CERTAIN AGRICULTURAL SUBSTANCES, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS. (Became law upon approval of the Governor, October 31, 2002–S.L. 2002-184.)

H.B. 1120, AN ACT TO REQUIRE THE BEACH PLAN TO ISSUE A HOMEOWNERS' INSURANCE POLICY; REQUIRE A STUDY OF THE BEACH AND FAIR PLANS; PROVIDE FOR IMMEDIATE TEMPORARY BINDING AUTHORITY OF AGENTS ACCEPTING APPLICATIONS TO THE BEACH PLAN; REQUIRE THE BEACH AND FAIR PLANS TO MAINTAIN UNEARNED PREMIUM RESERVES

AND RESERVES FOR LOSSES; MAKE TECHNICAL CORRECTIONS TO THE APPOINTMENT PROVISIONS FOR THE MOTOR VEHICLE REINSURANCE FACILITY BOARD OF GOVERNORS; CLARIFY THAT THE BEACH AND FAIR PLANS ARE SUBJECT TO THE OPEN MEETINGS ACT; AND AMEND THE INSURANCE LAW PERTAINING TO SPECIAL DEPOSITS TO PERMIT HARDSHIP PAYMENTS UNDER WORKERS' COMPENSATION POLICIES. (Became law upon approval of the Governor, October 31, 2002--S.L. 2002-185.)

S.B. 347, AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT. (Became law upon approval of the Governor, October 31, 2002--S.L. 2002-186.)

H.B. 760, AN ACT TO CLARIFY THE MOTOR VEHICLE REINSURANCE FACILITY AND BEACH AND FAIR PLAN LAWS; AMEND LAWS REGARDING DEPARTMENT OF INSURANCE OVERSIGHT OF INSURANCE COMPANY SOLVENCY; AMEND THE MANAGED CARE EXTERNAL REVIEW LAW TO PROVIDE FOR CLARITY IN MAILING NOTICES, THE SAME IMMUNITY TO MEDICAL PROFESSIONALS ADVISING THE COMMISSIONER AS PROVIDED TO EXTERNAL REVIEWERS, AND CONFIDENTIALITY OF CREDENTIALING INFORMATION IN THE POSSESSION OF THE COMMISSIONER; EXTEND THE RATE HEARING TIMETABLES FOR HOMEOWNERS' AND WORKERS' COMPENSATION INSURANCE; CLARIFY THE NORTH CAROLINA HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; EXTEND THE TIME FOR PREMIUM FINANCE COMPANY PREMIUM REFUNDS FOR AUDITED POLICIES; AMEND THE TITLE INSURANCE RESERVE LAWS TO ENHANCE INSOLVENCY PROTECTION; AND REDUCE THE NONFORFEITURE INTEREST RATE FOR INDIVIDUAL ANNUITIES. (Became law upon approval of the Governor, October 31, 2002--S.L. 2002-187.)

S.B. 70, AN ACT AMENDING THE DEFINITION OF A CONVENTION CENTER IN THE STATE'S ABC LAW. (Became law upon approval of the Governor, October 31, 2002--S.L. 2002-188.)

S.B. 1455, AN ACT TO AUTHORIZE THE GENERAL STATUTES COMMISSION AND OTHER INTERESTED PARTIES TO STUDY THE PROVISIONS OF SENATE BILL 1455, 4TH EDITION, STRENGTHEN SECURITIES FRAUD ENFORCEMENT LAWS, INTRODUCED IN THE 2001 GENERAL ASSEMBLY, AND TO MAKE RECOMMENDATIONS TO THE 2003 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY; TO INCREASE CERTAIN FILING AND RENEWAL FEES WITH THE SECRETARY OF STATE; TO FUND ADDITIONAL SECURITIES INVESTIGATOR POSITIONS; TO PROHIBIT THE STATE FROM CONTRACTING WITH BUSINESSES THAT HAVE ANY OFFICERS OR DIRECTORS WHO HAVE BEEN CONVICTED OF SECURITIES FRAUD; TO PROHIBIT THE STATE FROM CONTRACTING WITH VENDORS THAT ARE INCORPORATED IN A TAX HAVEN COUNTRY BUT THE UNITED STATES IS THE PRINCIPAL MARKET FOR THE PUBLIC TRADING OF THEIR CORPORATION'S STOCK; AND TO AUTHORIZE THE STATE TREASURER, IN CONSULTATION WITH THE SECRETARY OF STATE, AND THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CREATION OF A PENSION ASSURANCE FUND TO PROTECT THE RETIREMENT SAVINGS AND INVESTMENTS OF THE CITIZENS OF NORTH CAROLINA. (Became law upon approval of the Governor, October 31, 2002--S.L. 2002-189.)

H.B. 314, AN ACT TO TRANSFER THE DMV MOTOR VEHICLES ENFORCEMENT SECTION FROM THE DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY. (Became law upon approval of the Governor, October 31, 2002—S.L. 2002-190.)

BILLS REMAINING IN THE SENATE
2001 SESSION
SECOND SESSION 2002

The following bills and resolutions remain in the Senate after adjournment *sine die* to be transferred to the Division of Archives and History of the Department of Cultural Resources upon adjournment *sine die* of the 2003 General Assembly. Some of these bills are included in other ratified bills or identical Senate or House bills are ratified.

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES COMMITTEE

S 32	Beach Nourishment/Clean Water Funds.
S 483	Disapprove Tar-Pamlico Agricultural Rule.
S 724	Local/State Forestry Pilot Program.
S 873	Amend Septage Management Program.
S 915	Agric. Fairs Advisory Council/Grant Funds.
S 919	Amend Marine Fisheries Laws.
S 921	Exempt Water Resale from Drinking Water Act.
S 954	Clarify Petroleum Cleanup Requirements.
S 956	Pay for Performance/LUST Cleanups.
S 984	Enhance Stormwater Regs.
S 1011	Consistent Risk-Based Remedial Actions.
S 1250	Amend Notice Period for Water Quality Permits.
S 1254	Amend CAMA Variance Process.
S 1258	Environmental Reports Amendments.
S 1261	2002 Environmental Technical Corrections.
S 1453	Displaced Agricultural Workers/Fees.
H 149	Stagger Marine Fisheries Commission Terms.
H 509	Allow Stocking of Animals.
H 965	Control Foot & Mouth/Animal Disease Outbreaks.
H 1003	Controlled Hunting Preserves.
H 1009	Consistent Risk-Based Remedial Actions.
H 1060	Env. Remediation Not Capital Improvement.

APPROPRIATIONS/BASE BUDGET COMMITTEE

S 13	Funds to Prevent Birth Defects.
S 20	Additional Investigatorial Assistant.
S 22	Osteoporosis Education Funds.
S 28	Contract Agent Rate.
S 43	Blackbeard Museum Funds.
S 69	North Carolina Farmland Preservation Funds.
S 72	Funds to Support Pediatric Cancer Programs.
S 97	Long-Term Care Info Outreach.
S 105	SE NC Agricultural Center Funds.
S 106	Raeford Restoration Funds.
S 108	MLK Amphitheater and Park Funds.
S 114	Funds for Perinatal Care.
S 115	Reimbursement for Marriage/Family Therapists.
S 116	Fayetteville Tech. Botanical Lab Funds.
S 129	Funds for Duke Medical Center Genetics.
S 130	Kids Voting NC Funds.
S 133	Traumatic Brain Injury Funds.

APPROPRIATIONS/BASE BUDGET COMMITTEE (continued)

S 134 Civil War Tourism Funds.
S 135 Children's Psychiatric Unit Funds.
S 141 North Carolina Geographic Alliance Funds.
S 147 Traffic Law Enforcement Statistics.
S 153 Domestic Violence Funds.
S 170 Renters Notified of School Bus Laws.
S 175 Funds for Adult Day Care.
S 177 Increase in CAP Income Limits.
S 180 Long-Term Care/Enhancement Funds.
S 189 Cultural Resources IT Expansion Funds.
S 197 Aid to Public Libraries Funds.
S 203 Raise Cap on Funds to Administer FRGP.
S 213 Chadbourn Civic Center Funds.
S 216 Establish Mountain Island State Forest.
S 227 Military Museum Study Funds.
S 232 Queen Anne's Revenge Funds.
S 233 North Carolina Aquariums Funds.
S 234 Notice of Annual Report Filing Requirement.
S 244 Iredell Livestock Expo. Ctr. Funds.
S 250 Gaston College Radio Funds.
S 251 Lumberton Farmers Market Funds.
S 253 Forsyth Science Ctr. Funds.
S 265 Prohibit DOT from Burning.
S 266 American Legion Post 139 Funds.
S 272 Gaston Teen Court Funds.
S 279 Family Drug Treatment Court Program.
S 288 Eastern Agricultural Center Funds.
S 290 Fire Ant Funds.
S 292 NCSU Fire Ant Funds.
S 303 Funds/Environ. Assistance for Farmers.
S 307 A & T State Matching Funds.
S 315 JCP Councils Funds.
S 322 ReEntry Funds.
S 324 11th Senate District Local Act-3.
S 329 Emergency Funds for Inventory Reimbursement.
S 333 Funds for Child Medical Evaluations.
S 335 Fund DOR Audit Recommendations.
S 339 W. Harnett Sr. Ctr. Funds.
S 341 Highlands Nature Center Funds.
S 363 Conservation Trust for NC Funds.
S 371 Funds/Permanent Forestry Aviators.
S 373 Food Banks Funds.
S 389 Physician-Assisted Suicide Unlawful.
S 392 Matthew Shepard/Increase Hate Crime Penalty.
S 393 Cape Fear Aquarium Planning Funds.
S 404 LP Gas Inspectors Funds.
S 422 Wilson Water & Sewer Extension Funds.
S 427 Contemporary Art Museum Funds.
S 428 Funds For Healthy Start Foundation.
S 436 Natural Resources Leadership Funds.
S 440 Bright Beginnings Prekindergarten Prog. Funds.

APPROPRIATIONS/BASE BUDGET COMMITTEE (continued)

S 450 Abolish P. R.
S 472 Nash County Courthouse Funds.
S 477 NC Housing Trust Funds.
S 478 FFA Capital Improvement Funds.
S 480 Nash Farmers Market Funds.
S 487 State Fair Building Funds.
S 488 Standards Division Technology Funds.
S 489 Agronomic Services Lab Expansion Funds.
S 490 Food And Drug Protection Funds.
S 491 Endangered Plant Protection Funds.
S 492 Agriculture Building Renovation Funds.
S 493 New Motor Fuels Lab Funds.
S 494 Plant Industry Division Funds.
S 495 Ag. & Consumer Services IT Funds.
S 496 Livestock Health Programs Funds.
S 497 Graham Building Improvements Funds.
S 502 Guilford Teen Court Funds.
S 511 Hospitality and Tourism Funds.
S 512 Provide Funding Before New Sch. Standards.
S 522 NC Arts Council Funds.
S 523 Grassroots Science Museum Funds.
S 536 Funding for Legal Services.
S 537 Medicaid/Breast and Cervical Cancer Coverage.
S 540 Funds For Museum of Life and Science.
S 545 Funds For Comm.-Based Pharm. Assistance Pgms.
S 552 LEP Students.
S 554 Neill's Creek Senior Center Funds.
S 555 Veterans Memorial Funds.
S 567 Nash Water & Sewer Extension Funds.
S 568 Diabetes Prevention and Control Funds.
S 570 NC Technological Dev. Auth. Funds.
S 572 Sentencing Services Funds.
S 580 Medicaid County Share/Funds-2.
S 581 Funds for Autism Group Homes.
S 582 TEACCH Funds.
S 583 Funds for Autism Society Admin.
S 607 Appropriations-3.
S 638 Historic Gill House Funds.
S 642 Imagination Station Funds.
S 648 Scholar Student/NC Resident.
S 684 Appropriation for Get Smart Program.
S 688 Funds for Arthritis Program.
S 691 Medicaid County Share/Funds-2.
S 692 Film Industry Funds.
S 694 R J Reynolds Auditorium Funds.
S 695 Cerro Gordo Town Hall Funds.
S 696 Judicial Longevity.
S 697 African American Cultural Complex Funds.
S 698 Funds for Prenatal Care.
S 699 Funds for Pneumococcal Vaccine.
S 702 Public Laws - 2.

APPROPRIATIONS/BASE BUDGET COMMITTEE (continued)

S 704 NC Biotechnology Ctr. Funds.
S 713 Community Mediation Center Funds.
S 726 William C. Lee Museum Funds.
S 727 Avera'sboro Battlefield Funds.
S 728 Industrial Park Funds.
S 730 26th Judicial District Funds.
S 734 Employment Security Funds.
S 736 Funds for Chicken Pox Vaccine.
S 737 Funds for Interpreters in Local Health Depts.
S 740 Post-Adoption Assistance Funds.
S 741 Funds for Healthy Carolinians.
S 745 Post-Release Supervision Changes/Sent. Commn.
S 747 State Employees Incentive Bonus Program-AB.
S 750 Tryon Palace Funds.
S 753 Crime Victims Comp. Amendments.
S 756 Eckerd Youth Camp Funds.
S 758 Funds For TROSA.
S 760 NC Indian Economic Development Funds.
S 761 CHB State Historic Site Funds.
S 763 Cumberland Dam/Reservoir/State Park.
S 768 Increase Medicaid Dental Reimbursements.
S 769 Teacher Assistants Salary Increase.
S 771 Funds for UNC-TV.
S 775 State Health Plan/Bd. Member Benefits.
S 782 N C Humanities Council Funds.
S 784 Cued Speech Funds.
S 786 Poison Control Center Funds.
S 789 School Election Options.
S 794 Teachers Do Not Forfeit Excess Leave Time.
S 799 Poe Center Funds.
S 802 AEDs-Guidelines for State Bldgs and Funds.
S 808 Funds for NC Minority Support Center.
S 810 Programs for At-Risk Hispanic Students.
S 816 Raise Fire and Rescue Pension Amount.
S 837 Repeal Highway Use Tax Transfer-3 Yrs.
S 840 ESC Attorneys' Fees.
S 841 Appropriations/Modifications & Other Changes.
S 844 Medicaid County Share/Funds-2.
S 845 Wanchese Marine Industrial Park Funds.
S 846 Eastern Heritage Tourism Initiative Funds.
S 847 DOT-Pay Nonbetterment/Maintenance Projects.
S 858 Clarify Purpose/Asheville-Buncombe Tech. Funds.
S 863 Oral Health Care Access.
S 870 NC Military Affairs Council Funds.
S 871 A-B Tech CC Fernihurst Ctr. Funds.
S 872 WNC Revitalization/Planning Funds.
S 894 Funds for Child Caring Institutions.
S 903 Transportation Efficiency Act.
S 916 Agronomic Laboratory Funds.
S 917 Center for Environmental Farming Funds.
S 918 Tobacco Farm Life Museum Funds.

APPROPRIATIONS/BASE BUDGET COMMITTEE (continued)

- S 923 State Pays Full Medicaid Cost/Phase-In.
- S 927 Modify Laws Re: Students With Disabilities.
- S 928 State County Spec. Assistance/Alt. Living.
- S 929 NC School of Science & Math Funds.
- S 935 Appointment of Juvenile Counsel.
- S 943 Community Colleges Optional Retirement.
- S 948 Nonbetterment Relocation Costs.
- S 953 Ban Certain Waste from Landfills.
- S 958 Brownfields Position.
- S 964 Increase Compen. for Erroneous Conviction.
- S 973 Underground Storage Tank Program Funds.
- S 974 Energy Efficiency In State Buildings.
- S 975 Funds To Implement Healthy School Plans.
- S 978 Litter Clean Up & Anti-Litter Ed. Funds
- S 983 Carolina's New Focus on Poverty Funds.
- S 989 Integrate Instruction & Student Performance.
- S 993 Amend Salary Reserve.
- S 994 Foot and Mouth Prevention/Control Funds.
- S 995 Business Court Funds.
- S 997 Animal Discovery Funds.
- S 998 Increase Adult Day Care Transp. Rates.
- S 1000 Simplify/Facilitate Child Support.
- S 1012 Good Government Workforce Development Act.
- S 1017 Add'l Support for Initially Licensed Teachers.
- S 1018 Greensboro Children's Museum Funds.
- S 1042 Hospitality/Tourism Job Training Funds.
- S 1052 TANF Cash Assistance/Waive Waiting Period.
- S 1060 World Trade Center NC Funds.
- S 1076 High Priority School Assistance & Account Act.
- S 1080 Progress Board.
- S 1082 Establish NC Portrait Gallery.
- S 1085 Alleghany Wellness Ctr. Funds.
- S 1087 Judicial Longevity.
- S 1089 ITS Interest Charges.
- S 1090 State Employee Fmla.
- S 1095 Home Visitation Funds.
- S 1118 Funds to Improve Medicaid Drug Copay.
- S 1189 Public Employee Special Pay Plan.
- S 1191 UNC Employee Designation.
- S 1194 NC National Guard Tuition Assistance Funds.
- S 1201 Blank Appropriations Bill - 3.
- S 1202 Blank Appropriations Bill - 1.
- S 1203 Blank Appropriations Bill - 2.
- S 1204 Blank Appropriations Bill - 4.
- S 1226 Natural Areas Added To State Parks System.
- S 1272 CAP/DA Funds.
- S 1294 Forsyth Tech Stokes County Center Funds.
- S 1301 Funds for Folic Acid Campaign.
- S 1304 Transylvania Learning & Technology Ctr Funds.
- S 1325 NC Farmland Preservation Funds.
- S 1328 Repeal Highway Use Tax Transfer-5 Yrs.

APPROPRIATIONS/BASE BUDGET COMMITTEE (continued)

- S 1369 Funds For CAP- MR/DD.
- S 1383 World Trade Center Funds.
- S 1384 Funds For Medical Hot Line.
- S 1423 NC Lottery Abatement Compact.
- S 1439 Limit Line Item Transfers & State Spending.
- S 1450 Clarify Law on Charter School Funding.
- S 1454 Halifax CC Service Area.
- S 1458 Funds for Mounted Horse/Caisson Patrol Unit.
- S 1462 Funding Source For Farmland Preservation.
- S 1467 CC Teacher Preparation Funds.
- H 162 Rate Setting/Adult Day Care.
- H 460 DUI Roadside Memorial Markers.
- H 522 Authorize Dev. Authority/Per Diem Increase.
- H 545 Teacher Credit for Excess Personal Leave.
- H 1232 Prescription Drug Assistance for Seniors.
- H 1304 Teacher Loan Program.

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- S 296 DSS Changes 2-AB.
- S 331 DSS Changes 1-AB.
- S 334 Adult Day Care Transportation.
- S 368 Governor Morehead School Staffing Changes-AB.
- S 374 Mental Health System Reform.
- S 980 No Abortions Under State Health Plan.
- S 1083 Conscience Prot./Contraceptive Coverage Mandate.
- S 1143 MH/DD/SA Commission Changes.
- S 1166 Public Health Bioterrorism Preparedness.
- S 1426 Amend Mental Health Reform.
- S 1460 Buncombe Youth Detention Center Operations.

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- S 309 Revise Treasurer Investment Authority.
- S 379 R.E. Agents Reliance on Third-Party Reports.
- S 451 Pharmacists' Patient Drug Care Act.
- S 473 Delivery of Devices/Medical Equipment.
- S 637 Charlotte Public Contracts Exemption.
- S 640 Limit Covenants Not to Compete.
- S 705 Moratorium on Certain State Paper Purchases.
- S 764 Reorganize Savings Inst. Div.
- S 971 Net Metering/Utilities.
- S 977 Local Regulation of Kegs of Malt Beverage.
- S 1003 The Solicitation-Free Dinner Act.
- S 1009 Agricultural Contracts Fairness Act.
- S 1029 Competitive Bids/Food/Beverages in Schools.
- S 1049 Discount Card Privacy Protection Act.
- S 1064 Mortgage Lending Act.
- S 1077 Energy Conservation/Pilot Program.
- S 1138 Billboard Just Comp. Sunset Extended.
- S 1145 Repeal Obsolete Banking Law.
- S 1313 Stop Unwanted Telephone Solicitations.
- S 1421 Amend Mortgage Lending Act.

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- S 1444 Workers' Comp./Agricultural Employment.
- H 41 Securities Transfer on Death.
- H 806 Refrigeration Contractors Amendment.
- H 1088 ABC Amendments.

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- S 402 Secret Peeping Changes.
- S 1037 No Air Pmt. Req. Until Facility Operational.

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- S 23 Remove Cap on Charter School.
- S 44 Reform Civil Liability in Education/Blank Bill.
- S 200 Hotline/Disparate Treatment of Students.
- S 201 Closing Academic Achievement Gap.
- S 215 Prekindergarten Prog. for At-Risk Children.
- S 235 N.C. History Taught in Grades 4 And 8.
- S 281 School Counselor Pay Scale Increase.
- S 308 A & T State, NCCU/New-Masters of Ed.
- S 548 Amend Laws of ABCs of Public Education.
- S 566 Records of Sch. Suspension May Be Retained.
- S 738 Add Anson Co/Model Teacher Ed. Consortium.
- S 762 Ensure Fairness in School Testing Program.
- S 796 Charter School System Authorized.
- S 820 NC School of Science & Math/Budget Flexibility.
- S 828 Retired Professional Educators Return to Work.
- S 834 Tuition Waivers for SPA Employees.
- S 867 Change Cap on Charter Schools.
- S 898 The Student Citizen Act of 2001.
- S 930 NC Science & Math School/Shared Acad. Success.
- S 939 Moral, Ethical, and Virtuous Education.
- S 945 Mentor Funds May Be Used for Full-Time Mentor.
- S 965 Chapel Hill/UNC at Chapel Hill.
- S 1028 Boarding School May Operate as a Charter.
- S 1276 St. Bd. of Ed. Approve Internet Courses.
- S 1362 Out of State Schools w/NC Campus.
- S 1386 Disaggregate Data for ABC Bonuses -1.
- S 1387 Disaggregate Data for ABCs Bonuses -2.
- S 1430 High-Priority Sch. Prog. Waiver/Fund Savings.
- S 1452 Business and Educ. Tech. Alliance for Schools.
- S 1461 Old North State/Long Leaf Pine Scholarships.
- H 144 School Closed due to Inclement Weather/Flex.
- H 405 Amend Student Accountability Program-AB.
- H 568 Schools Must Protect Student & Family Privacy.
- H 645 School Dress Codes and Appearance Policies.
- H 1087 School Volunteer Records are Confidential.
- H 1125 Clarify School Admissions Procedures.

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- S 26 Sales Tax Holiday.
- S 86 5th Senate District Local Act-2.
- S 87 Local Sales Tax/Harnett and Cumberland.

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- S 90 Local Option Homestead Relief.
- S 99 17th Senate District Local Act-4.
- S 107 Mulch Blower Fuel Tax Refunds.
- S 117 Cumberland Local Sales Tax.
- S 142 Retirement Home Tax Change.
- S 143 IRC Update.
- S 145 Use Value Rollback Modified.
- S 146 Exempt Child Care Property.
- S 169 Corporate Asset Transfers.
- S 174 Furniture Market Improvement Act.
- S 187 Increase Nonresident Search Fee.
- S 207 Low-Income Housing Property Tax.
- S 228 Self-Employed Health Insurance Deduction.
- S 242 Make Franchise Tax More Equitable.
- S 268 Simplify Taxes on Telecommunications.
- S 282 Expand Development Zones.
- S 289 Tax Credits for Gleaning/Donation of Produce.
- S 291 Credit for Value-Added Ag Business.
- S 298 Expand Homestead Exemption.
- S 314 Farm Vehicle Reg. Fee Reduced.
- S 320 Insurance Fee Repeals and Increases-AB.
- S 338 Harnett Local Sales Act.
- S 361 Fair Bluff Boundaries.
- S 366 Regulatory Fees for Utilities Commission.
- S 369 Funds for Coalition 2001.
- S 386 Review Tax Credits Periodically.
- S 403 Lee Local Sales Tax.
- S 409 Charter Schools/Law Changes.
- S 464 Laurinburg Local Act-1.
- S 474 NC Toll Road and Bridge Authority.
- S 525 Modify Tax Expenditures.
- S 527 Schools Sales Tax Exemption.
- S 530 Taylortown Deannexation.
- S 549 Stokes, Alleghany Delinquent Taxes.
- S 556 Use of 911 Funds.
- S 558 Lincolnton Occupancy Tax.
- S 591 Haywood Local Sales Tax.
- S 592 Swain Local Sales Tax.
- S 596 State Gov. Sales Tax Exempt-AB.
- S 601 Durham Facilities Fees.
- S 602 Durham Zoning/Capital Facilities Fees.
- S 613 Cary Ordinances.
- S 616 Cary Open Space Impact Fees.
- S 619 Cary Parks Impact Fees.
- S 620 Cary General Government Facilities Fees.
- S 621 Durham Impact Tax.
- S 622 Fuquay-Varina Deannexation.
- S 623 Clayton Annexations.
- S 625 Charlotte Leases.
- S 630 Mecklenburg Facilities Fee/Indigency Pilot.
- S 634 Modify Mecklenburg Room Tax Use.

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- S 635 Charlotte Rental Car Tax.
- S 636 Charlotte Entertainment Tax.
- S 643 Durham County Zoning Changes.
- S 656 Kipling Incorporated.
- S 658 Orange Impact Tax.
- S 659 Chatham Impact Tax.
- S 661 Chatham Land Transfer.
- S 663 Laurinburg Fiber Optic Cable Network.
- S 665 City of Monroe Occupancy Tax.
- S 676 Pfafftown Incorporated/Lewisville Limits.
- S 679 Turfgrass Fertilizer Assessment.
- S 687 Child Health Insurance Funds.
- S 693 Film Industry Incentives.
- S 706 Soft Drink Tax.
- S 709 Industrial/Pollution Control Facilities Finance.
- S 710 DCR Admission Fees-AB.
- S 720 Community Dev. Initiative Funds.
- S 767 IT Training Tax Credit.
- S 773 Education Opportunity & Excellence Act of 2001.
- S 792 Amend Sales Tax.
- S 804 Teacher Tax Credit.
- S 807 Broadband Internet Tax Credit.
- S 813 Register of Deeds-Instrument Standards.
- S 838 Eliminate Fee-Ham Operator Plates.
- S 843 Sales Tax on Certain Electricity.
- S 849 Definition of "Use"-AB.
- S 850 Cosmetic Art Fees/Continuing Education.
- S 856 Historic Preservation Credit Limitation.
- S 859 Interstate Reciprocal Tax Agreements.
- S 862 Procedure for Delayed Deposit Checks.
- S 889 R&D Tax Credit.
- S 891 Register of Deeds Uniform Fees.
- S 893 Landscape/Irrigation Contractors.
- S 897 Labor Commissioner Fee Authority.
- S 900 Revise CJIN Budget Process.
- S 926 Property Tax Deferral for Seniors.
- S 941 Housing Authority Budgeting/Accounting.
- S 944 Expand Call Centers Eligible for Bill Lee Act.
- S 946 Practice of Barbering.
- S 950 Amend NC Constitution to Conserve Open Space.
- S 962 Blue Ridge Parkway Foundation License Plate.
- S 972 Scrap Tire Amendments.
- S 1010 Correct Dry-Cleaning/White Goods Laws.
- S 1013 Farmer Fuel Tax Refund.
- S 1015 Industrial/Pollution Control Facilities Finance.
- S 1030 Audubon North Carolina Special Regis. Plates.
- S 1039 Technological Development Tax Credit.
- S 1045 Bill Lee Act Changes-AB.
- S 1050 North Carolina Tourism Development Act.
- S 1057 Amend DV Laws.
- S 1058 Memory David Hansley/50th Anniv./Mt. Olive Coll.

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- S 1088 Tax Restructuring Act of 2001.
- S 1099 Parental Savings Trust Fund/College Investments.
- S 1119 Saluda Deannexation.
- S 1127 Polk/Transylvania Delinquent Taxes.
- S 1134 Greenville Permits Precede Tax License.
- S 1149 17th Senatorial District Local Act-1.
- S 1150 17th Senatorial District Local Act - 2.
- S 1164 Secure Local Revenues.
- S 1165 Finance Law Changes.
- S 1167 Tabor City Assessments.
- S 1172 Icard Fire Tax Rate.
- S 1188 Red Cross Charter.
- S 1190 Greenville Building Permits.
- S 1192 Raise Cigarette Tax from 5 Cents to 55 Cents a Pack.
- S 1200 Care For School Children With Diabetes Act.
- S 1207 Certain Counties Delinquent Taxes.
- S 1223 Extend Qualified Business Venture Tax Credit.
- S 1233 Update IRC.
- S 1249 Scrap Tire Amendment.
- S 1255 Establish Electronics Recycling Program.
- S 1259 Hazardous Waste Generator Fee Increase.
- S 1263 Sedimentation Act Amendments.
- S 1274 Regulate Professional Employer Organizations.
- S 1314 Cigarette Tax 50 Cents.
- S 1322 Rocky Mtn Elk Foundation Registration Plate.
- S 1323 Earned Income Tax Credit.
- S 1327 Reinstate Child Health Insurance Tax Credit.
- S 1342 Amend Revenue Laws.
- S 1343 Yadkin/Jonesville Occupancy Taxes.
- S 1344 Tier Designation - Letters of Commitment.
- S 1352 Local Special Obligation Bonds.
- S 1370 NASCAR Driver Theme Special Plates.
- S 1381 Tax Me More Fund.
- S 1382 Long-Term Care Tax Credits.
- S 1396 Make Utility Taxes Local Option.
- S 1397 NC Economic Recovery and Competitiveness Act.
- S 1402 Revenue Law Changes 5.
- S 1403 Revenue Law Changes 6.
- S 1404 Revenue Law Changes 7.
- S 1405 Revenue Law Changes 8.
- S 1406 Finance Law Changes 2.
- S 1408 UNC Nonappropriated Capital.
- S 1409 Make Tax Refund Rules Uniform.
- S 1410 Interstate Air Couriers – Bill Lee.
- S 1415 Private Research Revenue Bonds.
- S 1418 Rockingham County Airport Authority.
- S 1419 Pass-Through Entity/Housing Tax Credit.
- S 1424 N C Tourism Development Act.
- S 1432 Catawba Comm. Coll/Hosiery Tech. Center.
- S 1435 Trauma Center Study/Fee.
- S 1440 Temp. Revenue Increases to Protect Children.

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- S 1448 Performance Contracting for State Agencies.
- S 1451 Enforce Master Settlement Agreement.
- S 1457 Abolish Motor Vehicle Safety Inspection Pgm.
- S 1459 MH/DD/SAS Trust Fund.
- S 1463 Public School Building Bond Act.
- S 1464 Financing Parks, Recreation, and Heritage.
- S 1465 Project Development Financing.
- S 1466 Soft Drink Tax/Education.
- H 9 Modify Avery County Occy. Taxes.
- H 71 Clay Co. Ambulance Service Lien.
- H 76 Purple Heart Memorial Highway.
- H 92 Increase Nonresident Search Fee.
- H 143 Wetlands Reimbursement/Local Tax Base.
- H 553 U.S. Wartime Veteran/Military Veteran Special Plate.
- H 556 Raise Lexington Occupancy Tax.
- H 635 Regulate Body Piercing.
- H 687 "First In Forestry" Special Plates.
- H 716 Casino Nights.
- H 759 Harley Owners' Group License Plate.
- H 1119 Engineering/Land Surveying Act.
- H 1397 Increase Service of Process Fee.
- H 1439 Water and Sewer Authorities.
- H 1511 Certain Counties Delinquent Taxes.
- H 1568 Sedimentation Act Improvements.
- H 1604 Town of Bethel ETJ.

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- S 176 Medicaid Waiver/Adult Day Health Services.
- S 498 Certified Professional Midwives.
- S 722 Long Term Care/Post Staffing.
- S 988 Emergency Medical Services Act Update.
- S 1006 Local Health Director Appt./Discipline.
- S 1021 Hospitals Report ER Visits/Respir.Complaint.
- S 1055 C.O.N. Modifications With Fee.
- S 1063 Regulation of Emergency Medical Services
- S 1067 Medical Board Elections.
- S 1072 Mental Health Practitioner Act.
- S 1449 Adult Care Home Moratorium Clarification
- H 216 Medicaid Draft Plan Amend/Adult Day Health.
- H 1001 Hospital Licensure/Critical Access Hospital.
- H 1030 Mental Health Svces/Medicaid Billing.
- H 1109 Managed Care/Patient Access.

HELD PURSUANT TO RULE 43

- S 332 Congress. Incentives/Long-Term Care Issues.
- S 1122 Constitution Prohibit Holding Local Funds.

INFORMATION TECHNOLOGY COMMITTEE

- S 892 Security Standards For State IT.
- S 1096 Security Standards For State IT.
- S 1169 Internet Privacy Policy Act.
- S 1171 Noncommercial "Spam" Illegal.

INSURANCE AND CONSUMER PROTECTION COMMITTEE

- S 4 Further Restrict Telephone Solicitations.
- S 18 Motor Vehicle Repairs.
- S 21 HMO Patient Protection.
- S 62 Provider Directories.
- S 63 Disclose Payment Obligations.
- S 64 Managed Care Ombudsman.
- S 65 Continuity of Care.
- S 66 Health Benefit Plan Disclosure.
- S 218 Managed Care Entity External Review.
- S 316 Utilization Review and Grievance Changes.
- S 317 Gramm-Leach-Bliley Act Requirements-AB.
- S 319 Collection Agency/Bail Bond Amendments-AB.
- S 325 Risk Sharing Plan Sunset Repeal-AB.
- S 458 Viatical Settlements Rewrite-AB.
- S 460 Umbrella Insurance Improvements-AB.
- S 462 Health Insurance Omnibus Changes-AB.
- S 481 Health Insurance: Licensed Prof'l. Counselor.
- S 781 Health Insurance: Clinical Trials Coverage.
- S 788 Mental Health/Chemical Dep. Parity.
- S 1044 Moratorium on Health Ins. Mandates.
- S 1079 Remove Cap on State Max. Health Benefits.
- S 1279 Homeowners' Reinsurance Facility.
- S 1389 High-Risk Health Insurance Pool.
- S 1398 Area Authority Prompt Pay/Invoices.

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- S 95 DNA Samples on Arrest.
- S 96 Four-Year Terms.
- S 152 Amend Marriage Statutes.
- S 161 Securities Transfer on Death.
- S 208 Undeveloped Cemetery Construction.
- S 209 Nonpartisan DA Election.
- S 211 Repeal UCC Article on Bulk Transfers.
- S 219 Amend Anti-Lapse Statute.
- S 226 DNA Sample/Felony Convictions & Insane Defense.
- S 261 Treble Damages for Injury to Agricultural Crops.
- S 273 Truck Speed Limit.
- S 276 Technical Correction Act-AB.
- S 337 Consolidate Business Provisions.
- S 340 Damages for Sales Representatives.
- S 343 MH Criminal Record Checks/Private Entity-AB.
- S 354 Certain Notarial Acts Validated.
- S 364 Local Option Homestead Exemption.
- S 417 Amend Rule 9(j).
- S 419 Civil Procedure Rule Changes.
- S 513 Repeal Child Care Fraud Prevention Incentive-AB.
- S 546 Child Bicycle Safety Act.
- S 599 Children's Internet Safety-Net.
- S 647 Prosecutorial Discretion/Capital Sentencing.
- S 711 Testimonial Privilege for Violence Victims.
- S 765 Redefine Murder.

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- S 818 Action on Construction Payment Bond.
- S 880 Workers' Comp/Health & Disability Reimbursement.
- S 883 Judicial Appointment/Voter Retention.
- S 906 Require Approval/Indemnity Agreements.
- S 908 Homebuilder Responsibility.
- S 909 Fraudulent Filing of Real Property Lien.
- S 922 Conflict of Interest.
- S 924 Amend Counterfeiting & Forgery Law.
- S 925 Require DNA Test/First Degree Murder Case.
- S 932 DNA Tests/Convicted Murderers.
- S 934 Judicial Public Financing.
- S 940 Eliminate Trail de Novo from Dist. Ct.
- S 979 Use Litter Penalties/Cleanup & Enforcement.
- S 981 N.C. Residents Report Litter Violations.
- S 987 Limit Child's Access/Computer Porn.
- S 992 Protected Health Information.
- S 1001 Zoning for Inclusionary Housing.
- S 1069 APA Petitions/Special Needs.
- S 1108 Certain Weapons of Mass Destruction.
- S 1147 Distribution to Unlocated Devisees.
- S 1153 Judicial and Execution Sales Clarification.
- S 1155 Special Meeting of Shareholders.
- S 1156 Member Approval of Bylaw Amendment.
- S 1157 Repeal Obsolete Attestation Req't.
- S 1168 Felonious Access to Government Computers.
- S 1225 Amend Notary Public Act/Fees.
- S 1245 GDL - Level 2 Restriction.
- S 1246 GDL - Level 2 Restriction.
- S 1247 GDL - Level 2 Restriction.
- S 1297 Eagle Point No-Wake Zone.
- S 1339 Electronic Register of Deed Filings.
- S 1345 Computer Fraud Piracy.
- S 1353 Charlotte/Douglas Airport Contracts.
- S 1358 Sentence Lengths/Structured Sentence.
- S 1393 Local Access to FBI Crim Info.
- S 1399 Restructure Prior Crim. Record Points.
- S 1400 Amend Special Probation Definition.
- S 1401 Adjust Penalties B1 to E Offenses.
- S 1442 Detector Dog Trainers.
- S 1445 Clarify Jurisdiction.
- S 1446 Recognize Matricula Consular/Funds.
- S 1447 Prevent Workplace Violence.
- H 618 Taxi Service to Piedmont Triad Airport.
- H 904 Increase Misdemeanor Child Abuse Penalty.
- H 1002 Hospital Governing Authority.
- H 1085 Probation Revocation to Court of Appeals.
- H 1113 Financial Records Kept Confidential.
- H 1118 Fraud Against Financial Institutions.
- H 1139 Appeals From Contempt.
- H 1184 2nd Primary at 25%.
- H 1191 Canvass Show Under/Over Votes.

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- H 1637 Granville Collection of Unpaid Hosp. Bills.
- H 1650 Local Access to FBI Crim Info.
- H 1785 NC CAN/Amber Alert - 2.

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- S 5 Make N.C. Clean Again.
- S 6 Transfer Domestic Violence Commission.
- S 120 Fair Election Act.
- S 121 Electioneering Near Polls Restricted.
- S 122 Polls Close at 9 P.M.
- S 125 Radar Detectors Prohibited.
- S 126 Photo Radar Pilot Programs.
- S 164 Innocence Protection Act.
- S 171 Racial Justice Act.
- S 172 Death Penalty Moratorium.
- S 252 Infant Homicide Prevention Act.
- S 263 Sexual Privacy Act.
- S 294 16th Senate District Local Act-1.
- S 297 Felony Murder /Life Imprisonment.
- S 372 Later Primary.
- S 388 Greensboro/Public Information/Police Discipline.
- S 579 Eliminate Superior Ct. Judgeship/District 4B.
- S 680 Lawful Firearm Activities Protected.
- S 683 Divide District Court District 11.
- S 686 Extend Limitations for Some Intentional Torts.
- S 776 Larceny/Law Enforce. Equipment.
- S 864 County Anti-discrimination Ordinances.
- S 913 Abortion – Parental Consent Notarization.
- S 957 Real Property as Bond Collateral.
- S 959 Highway Assault-Active Time.
- S 960 Accurate Race-Specific Data Act.
- S 963 Crim. Justice Ed. & Training Stds. Membership.
- S 996 Amend Grounds For TPR.
- S 1020 Enforce Gun Laws at Gun Shows.
- S 1048 Computer Hacking.
- S 1071 Limit Secrecy Orders.
- S 1091 Clarify Auto Repair Bill of Rights.
- S 1097 Safe Storage of Firearms.
- S 1142 DHHS Rules Coordination.
- S 1256 Waive Jury Trial/Constitutional Amendment.
- S 1257 Electronic Criminal Process.
- S 1385 Felony Death/Serious Injury By Vehicle.
- S 1434 Gun Trafficking.
- S 1468 Nonpartisan DA Election.
- H 93 Expand Child Abuse Definition.
- H 335 Seized Firearms/Official Law Enforcement Use.
- H 362 State Tribal Governments-AB.
- H 442 Concealed Handgun Permit Reciprocity.
- H 494 Increase Penalty/Carrying Concealed Weapon.
- H 576 Abolish Alien. Affect./Crim. Conv.
- H 793 Indecent Behavior & Photography Between Minors.

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- H 842 Gun Sale w/Concealed Handgun Permit.
- H 899 Amend Obstruct or Delay Public Officer.
- H 941 County Antidiscrimination Ordinances.
- H 953 Utter/Possess Counterfeit U.S. Currency.
- H 1043 Wildlife Protectors Enforce Trespass Laws.
- H 1230 Date Rape Drugs/Analogues.
- H 1247 Repeat Child Molestation/Aggravating Factor.

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- S 136 Fire and Rescue Squad Pensions.
- S 524 Amend Charlotte Firefighters' Retirement Act.
- S 754 Retired Professional Educators Return to Work.
- S 805 Encourage Retired Teachers to Teach.
- S 933 Reemployment of Retired Public Sch. Profs.
- S 1212 Fayetteville Public Works Comm. Retirement.
- S 1241 Durham Firemen's Retirement.
- S 1305 Increase Fire and Rescue Pension.
- S 1307 Increase Retirement Benefits.
- S 1391 Charlotte Firemen's Retirement System.
- S 1428 Judicial Retirement/Guaranteed Refunds.
- H 1664 Judicial Retirement/Guaranteed Refunds.
- H 1678 Retirement System Conforming Changes.

REDISTRICTING COMMITTEE

- S 283 Independent Redistricting Comm.
- S 285 Independent Redistricting Commission.
- S 797 Congressional Districts.
- S 1092 Redistricting Litigation.
- S 1437 Independent Redistricting Commission.

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- S 27 Commission Contract Agent Study.
- S 31 Single-Member Districts.
- S 33 Blank Appropriations Bill-1.
- S 36 City of Charlotte Local Act.
- S 37 Town of Cornelius Local Act.
- S 38 Town of Davidson Local Act.
- S 39 Huntersville Local Act.
- S 41 Blank Appropriations Bill-2.
- S 47 Montgomery County Local Act.
- S 48 17th Senate Dist. Local Act.
- S 49 Scotland County Local Act.
- S 50 Richmond County Local Act.
- S 51 Stanly County Local Act.
- S 53 Hoke County Local Act.
- S 54 Moore County Local Act.
- S 55 Pittsboro Local Act.
- S 56 Siler City Local Act.
- S 57 Chapel Hill Local Act.
- S 58 Orange County Local Act.
- S 59 Chatham County Local Act.

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- S 73 Public Laws.
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- S 75 Public Laws.
- S 76 Public Laws.
- S 77 Public Laws.
- S 78 Public Laws-6
- S 79 18th Senate District Local Act-2.
- S 81 18th Senate District Local Act-6.
- S 82 18th Senate District Local Act-4.
- S 83 18th Senate District Local Act-1.
- S 84 18th Senate District Local Act-3.
- S 88 5th Senate District Local Act-3.
- S 89 5th Senate District Local Act-1.
- S 100 17th Senate District Local Act-2.
- S 101 17th Senate District Local Act-1.
- S 102 17th Senate District Local Act-3.
- S 110 37th Senate District Local Act-3.
- S 111 37th Senate District Local Act-2.
- S 112 37th Senate District Local Act-1.
- S 124 Blank Appropriations Bill-3.
- S 127 Lincoln County Local Act.
- S 131 Low-Wealth School Supplemental Funding.
- S 149 27th Senate District Local Act-1.
- S 150 27th Senate District Local Act-2.
- S 151 27th Senate District Local Act-3.
- S 154 27th Senate District Local Act-1.
- S 155 27th Senate District Local Act-2.
- S 156 27th Senate District Local Act-3.
- S 159 Study High-Risk Health Insurance.
- S 179 Guardianship Study.
- S 182 15th Senate District Local Act-2.
- S 183 15th Senate District Local Act-1.
- S 184 Blank Appropriations Bill-2.
- S 185 Blank Appropriations Bill-3.
- S 186 Blank Appropriations Bill-4.
- S 188 UNC Bd of Govs-Student Member.
- S 190 City of Lumberton Local Act-1.
- S 191 City of Lumberton Local Act-2.
- S 192 30th Senate District Local Act-1.
- S 193 30th Senate District Local Act-2.
- S 194 30th Senate District Local Act-3.
- S 196 9th Senate District Local Act-1.
- S 198 9th Senate District Local Act-2.
- S 212 LRC Study Insurance Availability Beach Areas.
- S 222 22nd Senate District Local Act.
- S 223 Cabarrus County Local Act-3.
- S 224 Cabarrus County Local Act-2.
- S 225 Cabarrus County Local Act-1.
- S 230 4th Senate District Local Act-2.
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- S 239 City of Greensboro Local Act-1.
- S 240 City of Greensboro Local Act-2.
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- S 246 Tax Law Changes-3.
- S 248 Tax Law Changes-2.
- S 254 Honoring Founders/Town of Angier/100th Anniversary.
- S 256 Ownership Requirements for Use Value.
- S 270 City of Gastonia Local Act-3.
- S 271 City of Gastonia Local Act-1.
- S 284 Blank Appropriations Bill-3.
- S 286 Blank Appropriations Bill-1.
- S 287 Blank Appropriations Bill-2.
- S 293 16th Senate District Local Act-3.
- S 295 16th Senate District Local Act-2.
- S 301 Honoring Life and Memory of Dale Earnhardt.
- S 305 9th Senate District Local Act 3.
- S 306 9th Senate District Local Act 4.
- S 313 Environment/Agriculture Amendments.
- S 323 Honoring Life of Evander Samuel Simpson.
- S 326 11th Senate District Local Act-1.
- S 328 11th Senate District Local Act-2.
- S 330 Prescription Drug Program/Senior Citizens.
- S 344 City of Fayetteville Local Act-1.
- S 345 City of Fayetteville Local Act-2.
- S 349 24th Senate District Local Act-2.
- S 350 24th Senate District Local Act-1.
- S 351 Cumberland County Local Act-2.
- S 355 Cumberland County Local Act-1.
- S 356 Amend Laws of N.C.-3.
- S 357 Amend Laws of N.C.
- S 358 Amend Laws of N.C. - 2.
- S 360 Cumberland County Local Act-3.
- S 375 28th Senate District Local Act-2.
- S 376 28th Senate District Local Act-1.
- S 377 28th Senate District Local Act-4.
- S 382 3rd Senate District Local Act-4.
- S 383 3rd Senate District Local Act-1.
- S 384 3rd Senate District Local Act-2.
- S 385 3rd Senate District Local Act-3.
- S 406 Charlotte Tort Claims.
- S 410 North Carolina Laws-3.
- S 411 North Carolina Laws-2.
- S 412 North Carolina Laws-1.
- S 413 6th Senate District Local Act-2.
- S 414 6th Senate District Local Act-3.
- S 415 6th Senate District Local Act-1.
- S 418 LRC Study Wrongful Death Proceeds.
- S 421 10th Senate District Local Act-6.
- S 423 10th Senate District Local Act-3.
- S 424 10th Senate District Local Act-1.

RULES AND OPERATIONS OF THE SENATE COMMITTEE (continued)

- S 425 10th Senate District Local Act-2.
- S 426 10th Senate District Local Act-5.
- S 429 Rowan County Local Act-1.
- S 430 Rowan County Local Act-2.
- S 435 Forsyth County Local Act-1.
- S 437 Forsyth County Local Act-2.
- S 442 23rd Senate District Local Act-4.
- S 443 23rd Senate District Local Act-3.
- S 444 23rd Senate District Local Act-2.
- S 445 23rd Senate District Local Act.
- S 447 21st Senate District Local Act-1.
- S 448 21st Senate District Local Act-2.
- S 449 21st Senate District Local Act-3.
- S 452 Extend Tax Policy Commission.
- S 454 38th Senate District Local Act-4.
- S 455 38th Senate District Local Act-1.
- S 456 38th Senate District Local Act-3.
- S 457 38th Senate District Local Act-2.
- S 467 Laurinburg Local Act-2.
- S 469 Honoring Macclesfield's Founders.
- S 482 Gaston County Local Act.
- S 485 Forsyth County Local Act.
- S 500 Regulate Interbasin Transfers.
- S 501 Scotland County Local Act-2.
- S 503 Scotland County Local Act-1.
- S 504 Eden Local Act.
- S 505 Surry County Local Act.
- S 506 Stokes County Local Act.
- S 507 Ashe County Local Act.
- S 508 Alleghany County Local Act.
- S 509 Watauga County Local Act.
- S 510 Rockingham County Local Act.
- S 515 School Health Curriculum Modified.
- S 516 Watauga County Local Act.
- S 517 Child Abuse in Child Care Facility Study-AB.
- S 518 Rockingham County Local Act.
- S 519 Alleghany County Local Act.
- S 520 Surry County Local Act.
- S 521 Medical Examiner Study.
- S 526 Environment and Education Trust Fund.
- S 528 Stokes County Local Act.
- S 529 Ashe County Local Act.
- S 539 LOB Snack Bar Operated by LSC.
- S 550 Gates County Local Act.
- S 553 Halifax County Local Act-1.
- S 560 McDowell County Local Act.
- S 561 Burke County Local Act.
- S 563 City of Morganton Local Act.
- S 564 Yancey County Local Act.
- S 565 Madison County Local Act.
- S 574 Pro Tem Appointments-2.

RULES AND OPERATIONS OF THE SENATE COMMITTEE (continued)

- S 575 42nd Senate District Local Act-4.
- S 576 42nd Senate District Local Act-1.
- S 577 42nd Senate District Local Act-2.
- S 578 42nd Senate District Local Act-3.
- S 593 Hickory Local Act.
- S 594 Unifour Local Act.
- S 597 28th Senate District Local Act-3.
- S 598 28th Senate District Local Act-5.
- S 604 Amend Public Laws-1.
- S 605 Amend Public Laws-3.
- S 606 Amend Public Laws-2.
- S 608 Appropriations-2.
- S 609 Appropriations-1.
- S 610 13th Senate District Local Act-2.
- S 611 13th Senate District Local Act-1.
- S 612 13th Senate District Local Act-3.
- S 624 14th Senate District Local Act.
- S 632 Charlotte-Mecklenburg Schools.
- S 644 Dare Utility Undergrounding Amendments.
- S 672 28th Senate District Local Act-7.
- S 673 28th Senate District Local Act-8.
- S 674 28th Senate District Local Act-6.
- S 682 Increase Veterinary Board Membership.
- S 717 Growth Management Oversight Committee.
- S 725 Moratorium of Soft Drink Contracts/Schools.
- S 733 City/County Home Rule.
- S 743 LRC Study Government Tort Claims.
- S 755 Prescription Drug Program.
- S 757 State Employees' Health Plan/Benefits Pkg.
- S 766 Medical Services for the Disabled/Study.
- S 791 Underground Storage/Environment Blank Bill.
- S 793 Clarify Various Public School Laws.
- S 800 LRC Study of Credit Cards.
- S 806 Privatization of Textbook Distribution.
- S 809 Northern Piedmont Regional Solid Waste Study.
- S 812 Study Tuition Status/Certain Immigrant Students.
- S 814 North Carolina Laws.
- S 821 Underage Drinking Study Commission.
- S 830 Licensure Requirements for Contractors.
- S 835 Adopt State Spider.
- S 839 Workers' Comp. Carriers/Third-Party Claims.
- S 868 Voter Safety.
- S 869 N.C. Democracy Fund.
- S 874 Public Laws-3.
- S 875 Public Laws-1.
- S 877 Public Laws-2.
- S 878 Blank Appropriations Bill.
- S 884 Public Laws No. 2.
- S 886 Public Laws No. 1.
- S 896 Substance Abuse/Crim. Justice Study.
- S 899 Motor Vehicle Glass Repairs.

RULES AND OPERATIONS OF THE SENATE COMMITTEE (continued)

- S 902 Blank Appropriations Bill.
- S 949 Funds for Tier 1 County Public Health Proj.
- S 952 Uniform Arbitration Act Study.
- S 969 Changes to State Construction Statutes.
- S 982 Catawba-Wataree River Basin Study.
- S 985 Legislative Compensation Commission.
- S 986 Education Lottery-Referendum.
- S 991 Privacy Protections Study.
- S 999 State Law Enforcement Changes.
- S 1007 Study Alternative Energy Sources.
- S 1016 Eye Exam/School Enrollment.
- S 1019 Interconnection of Public Water Systems.
- S 1022 Improve Air Quality-2.
- S 1025 Amend the Laws to Prevent Juvenile Delinquency.
- S 1026 UNC-2.
- S 1027 UNC-1.
- S 1031 Study Air Quality Improvements.
- S 1033 Study Appointment of Local Health Directors.
- S 1035 Living Income Study Commission.
- S 1040 State Aircraft Consolidation Study.
- S 1041 DMV-Study NCDL Technology For IDs.
- S 1043 Study Collection of Commercial Debt.
- S 1046 Improve Air Quality-2.
- S 1051 Amend Criminal Justice Laws.
- S 1053 Nonlicensed Local School Employees Under SPA.
- S 1061 Electric Membership Corporations.
- S 1065 State-Owned Aircraft Consolidation.
- S 1068 UNC-3.
- S 1073 ECU School of Engineering.
- S 1074 Ritalin and Other Drugs Study.
- S 1084 Worker's Comp. Loss Modifications and Study.
- S 1086 Farm Contracts/Fair Practices.
- S 1093 Legislative Redistricting.
- S 1094 Congressional Districts.
- S 1100 Sent. Commn/Study Structured Sent.
- S 1104 Honoring NC Signers of Constitution/Const. Week.
- S 1106 Honoring B.D. Schwartz.
- S 1107 Honoring Life and Memory of William G. Smith.
- S 1116 Blank Appropriations Bill-1.
- S 1117 Blank Appropriations Bill-2.
- S 1120 Blank Appropriations Bill-1.
- S 1121 Blank Appropriations Bill-2.
- S 1125 Cumberland County Local Act-3.
- S 1126 Cumberland County Local Act-4.
- S 1128 18th Senatorial District Local Act-1.
- S 1129 18th Senatorial District Local Act-2.
- S 1130 18th Senatorial District Local Act-3.
- S 1131 18th Senatorial District Local Act-4.
- S 1148 Blank Appropriations Bill.
- S 1151 17th Senatorial District Local Act-3.
- S 1152 17th Senatorial District Local Act-4.

RULES AND OPERATIONS OF THE SENATE COMMITTEE (continued)

- S 1158 City of Fayetteville Local Act.
- S 1159 Hospital and Medical Service Corp. Conversion.
- S 1173 Alexander County Local Act.
- S 1174 Avery County Local Act.
- S 1175 Burke County Local Act.
- S 1176 Caldwell County Local Act.
- S 1177 Mitchell County Local Act.
- S 1178 Wilkes County Local Act.
- S 1179 Yadkin County Local Act.
- S 1180 22nd Senatorial District Local Act-2.
- S 1181 22nd Senatorial District Local Act-1.
- S 1182 22nd Senatorial District Local Act-3.
- S 1183 Cabarrus County Local Act-1.
- S 1184 Cabarrus County Local Act-2.
- S 1185 City of Concord Local Act.
- S 1186 City of Kannapolis Local Act.
- S 1187 Town of Mount Pleasant Local Act.
- S 1193 Secure Local Revenues.
- S 1196 Group Health Insurance/Long-Term Care Staff.
- S 1197 16th Senatorial District Local Act-2.
- S 1198 16th Senatorial District Local Act-1.
- S 1206 Yadkin County Local Act.
- S 1208 19th Senatorial District Local Act-1.
- S 1209 19th Senatorial District Local Act-2.
- S 1213 State Health Plan Changes.
- S 1215 30th Senatorial District Local Act-1.
- S 1216 Town of Midland Local Act.
- S 1221 Revenue Law Changes 3.
- S 1222 Revenue Law Changes 4.
- S 1228 Organ Donation Registry Study/Funds.
- S 1234 Local Financial Security/Breach.
- S 1235 21st Senatorial District Local Act-3.
- S 1236 21st Senatorial District Local Act-2.
- S 1237 21st Senatorial District Local Act-1.
- S 1239 Town of Cary Local Act - 1.
- S 1240 Town of Cary Local Act-2.
- S 1242 13th Senatorial District Local Act-2.
- S 1243 13th Senatorial District Local Act-3.
- S 1244 State and Local Revenue Act.
- S 1264 LTC Criminal Record Check Study.
- S 1265 16th Senatorial District Local Act-1.
- S 1266 16th Senatorial District Local Act-2.
- S 1267 16th Senatorial District Local Act-3.
- S 1269 LRC Study/Funds-1.
- S 1270 LRC Study/Funds-2.
- S 1277 Constitution Prohibit Holding Local Funds.
- S 1278 Secure Local Revenues.
- S 1280 Lottery Constitutional Amendment.
- S 1283 President Pro Tem and Speaker Appointments.
(Vetoed by Governor on 11/3/02. Referred to Rules
in reconvened session on 11/13/02.)

RULES AND OPERATIONS OF THE SENATE COMMITTEE (continued)

- S 1284 Change the Law-4.
- S 1285 Change the Law-5.
- S 1286 39th Senatorial District Local Act-1.
- S 1287 39th Senatorial District Local Act-2.
- S 1290 8th Senate District Local Act-1.
- S 1291 8th Senate District Local Act-2.
- S 1293 Revenue Law Changes 2.
- S 1295 30th Senatorial District Local Act-2.
- S 1296 30th Senatorial District Local Act-3.
- S 1298 Amend Public School Laws-1.
- S 1299 Amend Public School Laws - 2.
- S 1302 Implement Governor's Efficiency Comm. Rec.
- S 1306 Retirement System Amendment.
- S 1308 15th Senatorial District Local Act-1.
- S 1309 15th Senatorial District Local Act-2.
- S 1315 Payday Lending Act of 2002.
- S 1317 32nd Senatorial District Local Act-1.
- S 1318 32nd Senatorial District Local Act-2.
- S 1319 City of Greensboro Local Act-1.
- S 1320 City of Greensboro Local Act-2.
- S 1321 City of Greensboro Local Act-3.
- S 1330 LRC Study/Funds-1.
- S 1331 LRC Study/Funds-2.
- S 1332 Mecklenburg County Local Act.
- S 1333 Town of Cornelius Local Act.
- S 1334 Town of Pineville Local Act.
- S 1335 Town of Huntersville.
- S 1337 Charlotte-Mecklenburg School Bd.
- S 1338 Town of Matthews.
- S 1340 Town of Davidson Local Act.
- S 1341 Town of Mint Hill.
- S 1347 Duplin County Local Act.
- S 1348 Pender County Local Act.
- S 1349 Sampson County Local Act.
- S 1354 6th Senatorial District Local Act-1.
- S 1355 6th Senatorial District Local Act-2.
- S 1356 6th Senatorial District Local Act-3.
- S 1359 10th Senatorial District Local Act-1.
- S 1360 10th Senatorial District Local Act-2.
- S 1361 10th Senatorial District Local Act-3.
- S 1363 Cumberland Dam/Reservoir/State Park.
- S 1364 32nd Senatorial District Local Act-3.
- S 1372 23rd Senatorial District Local Act-1.
- S 1373 23rd Senatorial District Local Act-2.
- S 1374 Work Breaks for Retail Employees.
- S 1375 Catawba County Local Act.
- S 1376 City of Hickory Local Act.
- S 1377 26th Senatorial District Local Act-1.
- S 1378 26th Senatorial District Local Act-2.
- S 1379 26th Senatorial District Local Act-3.
- S 1380 26th Senatorial District Local Act-4.

RULES AND OPERATIONS OF THE SENATE COMMITTEE (continued)

S 1388 4th Senate District Local Act.
 S 1417 Occaneechi on Indian Affairs Commission.
 S 1431 Election Law Reform Act.
 S 1433 Independent Government Review Comm./Funds.
 S 1436 Authorizing Resolution.
 S 1477 Study .XXX Domain for Porn
 H 169 UNC Bd of Govs-Student Member.
 H 247 Honoring Persian Gulf Veterans.
 H 495 Left Turn on Red.
 H 680 Honoring Dog Handlers/Visual Trackers.
 H 709 Adopt Carolina Lily as State Wildflower.
 H 746 Honoring Presidents of Charlotte Symphony Guild.
 H 771 Honoring Edmund Harding/Founding of Bath.
 H 1016 Honoring the Memory of Grady Howard.
 H 1266 Surgical Nurses/3rd Party Payment.
 H 1522 Auth. Bill Making It Criminal Off. Defraud Tests.
 H 1736 Retired Legislator License Plate.
 H 1766 Establish Mounted Horse/Caisson Patrol Unit.
 H 1774 Honoring Chiang Ching-Kuo.
 H 1779 Honoring Howard B. Chapin.
 H 1788 Honor the Victims and Heroes of Sept. 11, 2001.

STATE AND LOCAL GOVERNMENT COMMITTEE

S 214 Mecklenburg School/Commissioner Members.
 S 260 Review State Government Employment.
 S 479 Charlotte-Mecklenburg School Runoff.
 S 514 Garner Tree Ordinance.
 S 547 Durham City Antidiscrimination.
 S 562 Buncombe County Local Act.
 S 590 Lift Mecklenburg Muni. Zoning Sunset.
 S 595 Hickory Red Light Cameras.
 S 615 Cary Red Light Cameras.
 S 618 Cary Clear Cutting.
 S 629 Charlotte Advisory Referendum.
 S 654 Raleigh Red Light Cameras.
 S 669 Cary Inclusionary Zoning.
 S 670 Durham County Inclusionary Housing.
 S 732 County Inspection Contracts.
 S 777 Clarify Local Delegation Of Authority.
 S 865 Pitt Voting Pilot Program.
 S 1230 Repeal Term Limits.
 S 1273 Albemarle Junk Vehicles.
 S 1289 Carrboro Cemetery Funds.
 S 1310 Princeton Charter Consolidation.
 S 1311 Buies Creek Fire/Rescue District.
 S 1316 Granville Coroner Abolished.
 S 1365 Greensboro Construct Roads Outside City.
 S 1366 Greensboro-Require Housing Repairs.
 S 1390 Greensboro Conditional Zoning.
 S 1411 Charlotte Closing-Out Sale Licenses.
 S 1412 Charlotte Charter Provisions.

STATE AND LOCAL GOVERNMENT COMMITTEE (continued)

- S 1413 Purchasing Flex./Charlotte-Meck. Schools.
- S 1414 Textbook Flexibility/Charlotte-Meck. Schools.
- S 1425 Allow Second Historical Marker.
- S 1427 Lee Water Plant Private Sale.
- H 658 Rocky Mount Police Officer Residency.
- H 661 Gaston Co. DSS. Bd. Size.
- H 666 Halifax County Ambulance Services.
- H 1541 Nolichucky River Basin.
- H 1579 No Airboats on Lake Tillery.
- H 1585 Henderson Red Light Cameras.
- H 1635 Repeal Harnett Co. Foxhunting Law.

TRANSPORTATION COMMITTEE

- H 600 NCDL Appointment Renewals for County Residents.
 - S 671 Cary Construct and Operate Toll Roads.
 - S 700 NCDL Address Requirement on Application.
 - S 701 Toll Road and Bridge Authority Created.
 - S 905 Air Quality/Motor Vehicle Inspection Fees.
 - S 1139 DOT Contracts.
 - S 1141 Motor Carrier Safety Amendments.
 - S 1205 DOT Planning.
 - S 1324 Dept/Board of Transportation Directions.
 - S 1438 Hot-In-Place Asphalt Repaving.
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APPENDIX

SENATE JOURNAL

2001 SESSION

SECOND SESSION

2002



**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, Scuppernong, Skinnersville).
2nd (1)	BERTIE (Colerain 1, 2, Indian Woods, Merry Hill, Mitchells 1, 2, Roxobel, Snakebite, Windsor 1, Woodville); GATES ; HALIFAX (Butterwood, Conoconnara, 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, Woodlington); **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 ; GULFORD (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 (Seats)	COUNTIES Townships, Precincts, Census Tracts, Block Groups
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 (Clemmonsville 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, Eastatoe, Gloucester, Hogback, Little River).

SENATE RESOLUTIONS**SECOND SESSION 2002**

Adopted August 14, 2001 (See page 272)

S.R. 1475, A SENATE RESOLUTION RECOGNIZING THE IMPORTANCE TO THE ECONOMY OF THE STATE OF NORTH CAROLINA OF BIOBASED AND VALUE-ADDED AGRIBUSINESS.

Whereas, North Carolina's agricultural production is one of the highest in the nation; and

Whereas, North Carolina's transportation infrastructure offers excellent support for agribusiness by way of highway, rail, and ocean delivery systems; and

Whereas, North Carolina's State and county governments have demonstrated strong support for new and expanding commercial enterprises; and

Whereas, North Carolina has historically offered agriculture and businesses an excellent and productive labor force; and

Whereas, biobased and value-added products are rapidly replacing petroleum-based products with fuels, feeds, medicines, and other materials from renewable plant resources that create less pollution, are more biodegradable, and generally have fewer harmful environmental impacts; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The Senate of the State of North Carolina supports business and agency efforts to increase North Carolina's position in utilizing the State's productivity in agriculture and forestry by expanding biobased and value-added products.

SECTION 2. The Senate of the State of North Carolina encourages the North Carolina Department of Agriculture and Consumer Services to take the lead in expanding biobased and value-added production using current crops and fiber and exploring new production opportunities for the State's farmers.

SECTION 3. The Senate of the State of North Carolina requests that the United States Department of Agriculture provide suitable funding to North Carolina from the 2002 Farm Bill Value-Added Agriculture Product Market Development Grants to assist independent producers, farmer cooperatives, and others in further refining agricultural commodities and biobased opportunities.

SECTION 4. The Principal Clerk shall send a copy of this resolution to the North Carolina Department of Agriculture and Consumer Services and to the United States Department of Agriculture.

SECTION 5. 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 first Regular Session of the 2001 General Assembly on December 6, 2001.

The full text of Executive Orders 22 through 29 issued by Governor Michael F. Easley can be found in the Session Laws of the 2001 General Assembly, Second Session 2002.

Executive Order	Title	Date of Issuance
22	Budget Management for Fiscal Year 2002-03.	June 27, 2002
23	Amending Executive order Number 7. Executive Order No. 23, Concerning Teacher Advisory Committee.	July 18, 2002
24	Accelerating Teacher Recruitment and Hiring For <i>More At Four</i> and Class Size Reduction In Light of Judicial Requirements, Budget Developments, and Impending School Openings.	July 24, 2002
25	North Carolina Showcase State Partnership for Natural Disaster Resistance and Resilience.	July 25, 2002
26	Water System Protection.	August 15, 2002
27	Proclamation of State Disaster for the City of Cherryville, City of Shelby and the Cleveland County Sanitary District, Excluding the City of Kings Mountain.	August 30, 2002
28	Ensuring needs of School Children Are Met Given Increase Student Enrollment, Budget Developments, and School Openings.	August 29, 2002
29	Emergency Relief for Livestock Producers Affected by Hay Shortages Due to Drought.	September 3, 2002

May 28, 2002 (See page 5)

**COLOR GUARD UNIT OF THE AIR FORCE JUNIOR ROTC,
NORTH SURRY HIGH SCHOOL, MOUNT AIRY, NORTH CAROLINA**

Lieutenant Colonel Jorge Saldana
Captain Jacob Epperson
1st Lieutenant Kevin Creech
2nd Lieutenant Sean Tolliver

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 Gulley
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, Clark, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, 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 Gulley
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

Co-Chairman	Senator Warren
Co-Chairman	Senator Harris
Ranking Minority	Senator Allran
Member	Senator Kinnaird

APPROPRIATIONS ON HEALTH AND HUMAN SERVICES**Tues/Wed/Thurs—422 LOB—8:30 AM**

Co-Chairman Senator Martin of Guilford
Co-Chairman Senator Purcell
Vice Chairman Senator Dannelly
Ranking Minority Senator Forrester
Members Senators Kerr, Moore

APPROPRIATIONS ON INFORMATION TECHNOLOGY**Tues/Wed/Thurs—1425 LB—8:30 AM**

Chairman Senator Reeves
Vice Chairman Senator Hagan
Ranking Minority Senator Foss
Member Senator Miller

APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY**Tues/Wed/Thurs—415 LOB—8:30 AM**

Co-Chair Senator Thomas
Co-Chair Senator Wellons
Vice Chairman Senator Ballance
Ranking Minority Senator Bingham
Members Senators Clodfelter, Rand

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, Foss, 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, Clark, Dalton, Forrester,
 Foss, Garrou, Hagan, 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 Senator Allran
Members 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 Senator Allran
Members 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 Senator Rucho
Members 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 Senator Horton
Members 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 Senator Ballantine
Members Senators Ballance, Carpenter, Clark, Cunningham, Forrester,
 Garrou, Hagan, Hartsell, Hoyle, 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 Members Senator Carpenter
 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 Members Senator Shaw of Guilford
 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 Members Senator Moore
 Senators Albertson, Berger, Carpenter, Clark, 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 of Guilford
Vice Chairman Senator Wellons
Ranking Minority Members Senator Ballantine
 Senators Albertson, Carrington, Clark, Clodfelter, Dannelly, Forrester, Foxx, Gulley, Harris, Hartsell, Hoyle, 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 Members Senator Forrester
 Senators Albertson, Clark, Dalton, Horton, Hoyle, 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, Clark, Cunningham,
 Dalton, Harris, Kerr, Kinnaird, Martin of Pitt, Thomas,
 Wellons

STATE AND LOCAL GOVERNMENT**Wed—1124 LB—11:00 AM**

Chairman Senator Robinson
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	Betsy Conti
Director of Communications	Derek Chernow
Legislative Liaison	Anne Canady
Office Manager	Taty Padilla
Research and Policy	Tamara Jones
Scheduler	Kristin Woods
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
Legislative Counsel	Tonya Williams
Special Projects and Research	Rolf Blizzard
Administrative Assistant—	Claudette Parrish
Executive Assistant	Angela Talton Williams
Legislative Assistant	Lea Dunn
Assistant for Constituent Services and Research	Chris Dillon
Special Assistants—	
Communications and Research	Amy Fulk
Communications and Public Affairs	Tom Sri
Citizen Affairs	Mary King
Hispanic and Latino Affairs	Matty Lazo-Chadderton
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	Marty Carrara
	Ingrid Eubanks
	Charlotte Johnston
	Mary Leaver
	Shirley Parker
	Shana Sexton
	Harriette McKoy
	Wayne White

READING CLERK

LeRoy Clark, Jr.

OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms	Cecil Goins
Deputy/Secretary	Martha Dunn
Assistants	
Wade Anders	Hubert A. Poole
Frances Cameron	George Robinson
Curtis Dowd	Ernie Sherrell
Jon Fitchett	Ronald Spann
Stanley Johnson	Richard Telfair
Charles Marsalis	Leslie Wright
Mary Perry	Robert Young

OFFICE OF LEGISLATIVE ASSISTANTS

Director	Dot Waugaman
Assistant to Director	Bonnie McNeil
Page Coordinator	Cindy Garrison
Page Supervisor	Tonita Stephenson

SENATE LEGISLATIVE ASSISTANTS

Bagley, Dee	Weinstein	Rural Development
Bishop, Gail	Garrou	Appropriations on Education/ Higher Education
Black, Janet	Foxx	Health Care, Appropriations on Health and Human Services
Blake, Lorraine	Purcell	Commerce, Majority Caucus Chair
Blalock, Janet	Soles	Agriculture/Environment/Natural Resources
Brooks, Cindy	Albertson	Substitute
Brothers, Nancy	Cunningham	
Caldwell, Wilma		
Carpenter, Helen	Carpenter	
Chriscoe, Judy	Bingham	
Clark, Genie	Horton	
Crisp, Judy	Harris	Pensions & Retirement and Aging, Appropriations on General Government

Critcher, Blanche David-Yerumo, Bernie Lucas		Substitute Majority Caucus Secretary, Appropriations on Education/ Higher Education, Education/Higher Education
Davis, Kathy Downs, Marcus Eldridge, Barbara Fitzgerald, Mona	Carrington Dannelly Berger Dalton	Appropriations on Education/ Higher Education, Education/Higher Education Substitute
Funderburk, Elaine Gibbs, Stephanie Gooden, Carolyn	Carpenter Albertson Martin of Pitt	Appropriations on Natural and Economic Resources
Gunter, Susanne	Thomas	Appropriations on Justice and Public Safety
Halifax, Peggy Hall, Yvonne Hartsell, Evelyn Haynes, Katy Haywood, Gloria Hedspeth, Becky Hocutt, Barbara Hodge, Dee Hodge, Joyce	Moore Shaw of Guilford Kerr Plyler Clark Reeves Plyler Dannelly Martin of Guilford	Finance Ways & Means Appropriations on Health and Human Services
Holshouser, Vera Hudson, Mo Johnson, Gerry Joyner, Wanda Kendall, June King, Margaret Kokal, Susan Lane, Sarah Lasher, Jennifer Laton, Linda	Hagan Swindell Hartsell Clodfelter Carter Kinnaird Carter Dalton	Judiciary II Judiciary I Education/Higher Education Substitute Substitute Appropriations on Education Higher Education, Education/Higher Education
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Porter, Phyllis	Garwood	
Pryor, Sharese	Martin of Guilford	
Pulley, Nancy	Moore	
Resar, Carol	Gulley	Appropriations on Department of Transportation
Robinson, Jean	Robinson	State and Local Government
Sears, Sylvia	Kerr	
Sommer, Jan	Hoyle	
Spears, Vickie	Wellons	Insurance and Consumer Protection, Appropriations on Justice and Public Safety
Walker, Carole	Allran	
Ward, Nitche	Kinnaird	
Watson, Mary	Forrester	
Weddle, Clare Marie	Dalton	
Whitener, Angie	Metcalf	Redistricting, Rural Development
Williams, Penny	Hoyle	Finance
Wilson, Anne	Odom	Appropriations/Base Budget
Young, Kathie	Kinnaird	Children & Human Resources

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Harris, James	Ballantine
Hewett, Robbie	Shaw of Guilford
Hunter, Eric	Ballantine
Irvin, Elizabeth	Garrou
Jester, Elizabeth	Hagan
Jones, Kim	Lucas
Lane, Sarah	Kinnaird
Lewis, Anna Kate	Cunningham
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Self, Elizabeth	Metcalf
Smith, Meghann	Foxx
Taylor, Will	Purcell
Walters, Mark	Reeves
Ward, Nitche	Kinnaird
Williams, Rikesia	Martin of Guilford
Wise, Trey	Kerr
Wood, Tracy	Ballantine
Wright, Camila	Thomas/Warren

PRESIDENT PRO TEMPORE APPOINTMENTS

The following appointments and recommendations to Boards and Commissions were made during 2002 by The Honorable Marc Basnight, President *Pro Tempore* of the Senate.

	Appointed	Expires
CORRECTIONS, CRIME CONTROL AND JUVENILE JUSTICE JOINT LEGISLATIVE OVERSIGHT COMMITTEE		
G.S. 120-70.93		
Senator Daniel G. Clodfelter	5/22/2002	1/29/2003
Senator Allen Wellons	5/22/2002	1/29/2003
CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION		
G.S. 17C-3		
Mr. T. Wade Anders	2/5/2002	6/30/2003
Ms. Bonnie Boyette	10/18/2002	6/30/2003
Mr. Robert Lewis	10/18/2002	6/30/2003
CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD		
143B-273.6(4)		
Mrs. Shannon R. Joseph	12/18/2002	11/30/2005
DIETETICS/NUTRITION BOARD		
G.S. 90-353(a)(3)		
Dr. Barbara Ann Hughes	10/08/2002	6/30/2005
DOMESTIC VIOLENCE COMMISSION		
G.S. 143B-394.15(c)(2)		
Senator Ellie Kinnaird	12/23/2002	8/31/2003
DISPUTE RESOLUTION COMMISSION		
G.S. 7A-38.3		
Ms. Diann Seigle	11/19/2002	9/30/2005
EASTERN BAND OF THE CHEROKEE ADVISORY COUNCIL		
G.S. 143B-411.1; S.L. 89-727		
Rep. Dan Robinson	10/11/2002	6/30/2004
EDUCATION OVERSIGHT JOINT LEGISLATIVE COMMITTEE		
G.S. 120-70.80		
(Advisory Members)		
Senator Cal Cunningham	2/26/2002	
Senator Kay R. Hagan	2/25/2002	
Senator Dan Robinson	2/25/2002	
Senator Scott Thomas	2/25/2002	
Senator Allen H. Wellons	2/25/2002	

President Pro Tempore Appointments	Appointed	Expires
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ELECTION LAWS REVISION COMMISSION (2001)

S.L. 2001-491 sec. 32.1

Senator Wib Gulley (Co-Ch)	3/19/2002	
Senator Philip E. Berger	3/19/2002	
Senator Linda Garrou	3/19/2002	
Ms. Sara F. Gullede	3/19/2002	

FIRST FLIGHT CENTENNIAL COMMISSION

G.S. 143-640; S.L. 93-777

Mrs. Lois Pearce Smith	7/1/2002	6/30/2004
Col. James Smith	7/1/2002	6/30/2004

GEOGRAPHIC INFORMATION COORDINATING COUNCIL

G.S. 143-725; S.L. 2001-359

Mr. Thomas B Gray, Jr	5/10/2002	5/31/2003
Mr. Billy Ray Hall	5/10/2002	3/31/2003
Mr. Timothy Lesser	5/10/2002	5/31/2003

GOVERNMENTAL OPERATIONS JOINT LEGISLATIVE COMMISSION

G.S. 120-73

Senator Scott Thomas	4/22/2002	
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GOVERNOR'S CRIME COMMISSION

G.S. 143B-478; S.L. 91-739

Senator Eric Miller Reeves	5/2/2002	2/28/2003
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GROWTH STRATEGIES JOINT LEGISLATIVE OVERSIGHT COMMITTEE

S.L. 2001-491 sec. 3.1

Senator Daniel G. Clodfelter (Co-Ch)	2/27/2002	1/14/2003
Senator Eric Miller Reeves (Co-Ch)	2/27/2002	1/14/2003
Senator Kay R. Hagan	2/27/2002	1/14/2003
Senator Fletcher L. Hartsell, Jr.	2/27/2002	1/14/2003
Senator Aaron W. Plyler	2/27/2002	1/14/2003
Senator R. C. Soles, Jr.	2/27/2002	1/14/2003

HEALTH AND WELLNESS TRUST FUND COMMISSION

G.S. 147-86.32; S.L. 2000-147 sec. 2

Dr. Olson Huff	10/4/2002	6/30/2006
Dr. Ed Monroe	10/4/2002	6/30/2006

HIGHWAY TRUST FUND STUDY COMMITTEE [2001]

S.L. 2001-424 sec. 27.6

Senator Wib Gulley (Co-Ch)	4/18/2002	1/15/2003
Senator Daniel G. Clodfelter	4/18/2002	1/15/2003
Senator Linda Garrou	4/18/2002	1/15/2003
Senator David W. Hoyle	4/18/2002	1/15/2003
Mr. Rector Samuel Hunt III	4/18/2002	1/15/2003
Senator Larry Shaw	4/18/2002	1/15/2003
Mr. Charles M. Shelton	4/18/2002	1/15/2003
Mr. Robert Spencer	4/18/2002	1/15/2003

President Pro Tempore Appointments	Appointed	Expires
HOME INSPECTOR LICENSURE BOARD		
G.S. 143-151.46; S.L. 93-724		
Mr. Jeff Vaughn	10/22/2002	6/30/2006
HUMAN RELATIONS COMMISSION		
G.S. 143B-391		
Ms. Carlene Fletcher	10/11/2002	6/30/2006
Mr. Hugh Grant	10/11/2002	6/30/2006
INFORMATION TECHNOLOGY JOINT SELECT COMMITTEE		
G.S. 120-230; S.L. 1999-237 sec. 22a		
Mr. Dwight W. Allen	10/8/2002	8/31/2004
Ms. Janet Smith	2/28/2002	8/15/2002
(Reappointed)	10/16/2002	8/31/2004
INFRASTRUCTURE COUNCIL		
G.S. 143B-344.30; S.L. 1998-132 sec. 14		
Ms. Linda Piron Foster	10/4/2002	6/30/2004
Mr. Dennie Martin	1/4/2002	6/30/2004
INSURANCE AVAILABILITY IN BEACH AND COASTAL AREAS SENATE INTERIM STUDY COMMITTEE		
G.S. 120-19.6 (a1)		
Senator Charles W. Albertson	4/12/2002	1/15/2003
The Honorable Luther H. Jordan, Jr. (Deceased)	4/12/2002	1/15/2003
Senator R. C. Soles, Jr.	4/12/2002	1/15/2003
Senator Scott Thomas	4/12/2002	1/15/2003
Senator Allen H. Wellons	4/12/2002	1/15/2003
LOCKSMITH LICENSURE BOARD		
G.S. 74F-5(1)		
Ms. Laura Busse	2/27/2002	12/31/2005
Mr. Joe McCann	2/27/2002	12/31/2004
Mr. Gregory Wright	2/27/2002	12/31/2005
MILITARY AFFAIRS ADVISORY COMMISSION		
G.S. 127C-1; S.L. 2001-424 sec. 12.1		
Mrs. Brenda McFall Dougherty	2/4/2002	12/31/2003
Mr. Alfonzo King	2/4/2002	12/31/2003
Senator Scott Thomas	2/4/2002	12/31/2003
MINORITY HEALTH ADVISORY COUNCIL		
G.S. 130A-33.43; S.L. 91-900		
Dr. Betty Alexander	10/4/2002	6/30/2004
Senator Kever M. Clark	10/4/2002	6/30/2004
Senator Charlie S. Dannelly	10/4/2002	6/30/2004
Mr. Frank Evans	10/4/2002	6/30/2003
Dr. Lizette Sanchez-Lugo	10/4/2002	6/30/2004

President Pro Tempore Appointments	Appointed	Expires
MUNICIPAL INCORPORATIONS JOINT LEGISLATIVE COMMISSION		
G.S. 120-158		
Mr. Stephen W. Raper	10/17/2002	6/30/2003
NATIONAL HERITAGE AREA DESIGNATION COMMISSION		
S.L. 2001-191 sec. 18.4		
Senator Charles Carter	2/8/2002	12/31/2002
Senator Stephen M. Metcalf	3/14/2002	12/31/2002
Senator Dan Robinson (Resigned)	2/8/2002	12/31/2002
NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION		
G.S. 158-8.2(b)(2)		
The Honorable Gene Rogers	12/19/2002	6/30/2003
PARKS AND RECREATION AUTHORITY		
G.S. 143B-313.1; S.L. 95-456		
Ms. Leslie Anderson	10/10/2002	6/30/2005
PESTICIDE BOARD		
G.S. 143-436; S.L. 89-727		
Mr. Howard M. Nifong, Jr	10/10/2002	6/30/2006
Mr. William A. Tesh	10/10/2002	6/30/2006
POSITIVE RACIAL, ETHNIC, AND FAITH RELATIONS COMMISSION		
S.L. 2001-491 sec. 6.1		
Senator William N. Martin (Co-Ch)	3/1/2002	12/31/2002
Ms. Stella Adams	3/1/2002	12/31/2002
Senator Stan Bingham	3/1/2002	12/31/2002
Mr. Mark Eckert	3/1/2002	12/31/2002
Senator Hamilton C. Horton, Jr.	3/1/2002	12/31/2002
Rev. Robert Hunter	3/1/2002	12/31/2002
The Honorable Luther Henry Jordan, Jr.	3/1/2002	12/31/2002
Ms. Aura Camacho Mass	3/1/2002	12/31/2002
Senator A. B. Swindell IV	3/1/2002	12/31/2002
PROGRESS BOARD		
G.S. 143B-372.1; S.L. 95-117		
Mr. J. Clark Plexico	7/1/2002	6/30/2006
PROPERTY TAX STUDY COMMISSION		
S.L. 2001-499 sec. 3(a)		
Senator Charles N. Carter, Jr.	3/4/2002	Final Report
Senator Daniel G. Clodfelter	3/4/2002	Final Report
Senator Fletcher L. Hartsell, Jr.	3/4/2002	Final Report
Mr. H. L. Hill	3/4/2002	Final Report
Mr. Franz Holscher	3/4/2002	Final Report
Senator R. L. Martin	3/4/2002	Final Report
Mr. Terry Wheeler	3/4/2002	Final Report
Mr. Dan Whittle	3/4/2002	Final Report

President Pro Tempore Appointments	Appointed	Expires
PUBLIC HEALTH STUDY COMMISSION		
G.S. 120-195; S.L.		
Senator Patrick J. Ballantine	7/1/2002	6/30/2004
Senator James Forrester	7/1/2002	6/30/2004
Senator Jeanne H. Lucas	7/1/2002	6/30/2004
Senator William N. Martin	7/1/2002	6/30/2004
Senator William R. Purcell	7/1/2002	6/30/2004
RESPIRATORY CARE BOARD		
G.S. 90-650(a)(3)		
Mr. Ralph D. Webb	1/22/2002	10/31/2003
RURAL INTERNET ACCESS AUTHORITY		
G.S. 143B-437.42(b)		
Mr. John T. Killebrew	12/18/2002	7/31/2003
SEAFOOD AND AQUACULTURE JOINT LEGISLATIVE COMMISSION		
G.S. 120-70.60		
Senator A. B. Swindell IV	5/2/2002	1/31/2003
SENTENCING AND POLICY ADVISORY COMMISSION		
G.S. 164-35; S.L. 95-236		
Senator Linda Garrou (Replaced)	1/22/2002	6/30/2003
Senator Scott Thomas	12/11/2002	6/30/2003
SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION		
G.S. 17E-3; S.L. 93-562		
Mr. Michael Robertson	2/26/2002	6/30/2003
SUBSTANCE ABUSE ADVISORY COUNCIL		
G.S. 143B-270; S.L. 91-405		
Mr. Charles David Morison	3/1/2002	9/30/2003
TAX POLICY COMMISSION		
S.L. 2001-491 sec. 29.1		
Senator David W. Hoyle (Co-Ch)	3/6/2002	3/1/2003
Mr. Marlowe Foster	3/6/2002	3/1/2003
Mr. H. Parks Helms	3/6/2002	3/1/2003
Senator John H. Kerr III	3/6/2002	3/1/2003
Mr. John Munn	3/6/2002	3/1/2003
Mr. Bill Paulson	3/6/2002	3/1/2003
PROFESSIONAL TEACHING STANDARDS COMMISSION		
G.S. 115C-295.1; S.L. 93-740		
Mr. David Corsetti	10/4/2002	8/31/2004
Ms. Loretta Fodrie	10/4/2002	8/31/2004
Mrs. Libby Hodges	10/4/2002	8/31/2004
Ms. Catherine Sledge (Resigned)	10/4/2002	8/31/2004

President Pro Tempore Appointments	Appointed	Expires
TOBACCO TRUST FUND COMMISSION		
G.S. 143-717; S.L. 2000-147 sec. 3		
Mr. Robert B. Boyd	7/1/2002	6/30/2006
Mr. Willard D. Small	7/1/2002	6/30/2006
Mr. William H Teague	1/17/2002	6/30/2005
UNC BOARD OF GOVERNORS STUDY COMMISSION		
S.L. 2001-491 sec. 31.1		
Senator Tony Rand (Co-Ch)	4/12/2002	1/15/2003
Senator Linda Garrou	4/12/2002	1/15/2003
Senator John A. Garwood	4/12/2002	1/15/2003
Senator Jeanne H. Lucas	4/12/2002	1/15/2003
Senator R. C. Soles, Jr.	4/12/2002	1/15/2003
UNDERAGE DRINKING STUDY COMMISSION		
S.L. 2001-491 sec. 11.1		
Senator Charlie S. Dannelly (Co-Ch)	4/16/2002	12/1/2002
Senator Austin M. Allran	4/16/2002	12/1/2002
Lt. Don Fraser	4/16/2002	12/1/2002
Senator Kay R. Hagan	4/16/2002	12/1/2002
Dr. Jacob Lohr	4/16/2002	12/1/2002
Senator Tony Rand	4/16/2002	12/1/2002
VOCATIONAL REHABILITATION ADVISORY COUNCIL		
G.S. 143-548; S.L. 93-248		
Mr. Wayne Daves (Resigned)	10/3/2002	6/30/2005
Ms. Kimberly R. Floyd	10/3/2002	6/30/2005
Mr. Kenneth Gregory	10/3/2002	6/30/2005
Mr. Bob Harrison Philbeck	10/3/2002	6/30/2005
WILMINGTON 1898 RACE RIOT COMMISSION		
S.L. 2000-138 sec. 17.1(a)		
Senator Kever M. Clark (Co-Ch)	7/3/2002	12/31/2002

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S 1193 Secure Local Revenues
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S 1278 Secure Local Revenues
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